



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of September Two Thousand and TwentyOne
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.13121 of 2021

WEB COPY

KARIKALAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

THOGAMALAI POLICE STATION, KARUR DISTRICT.

(CRIME NO. 429 OF 2021)

... RESPONDENT/COMPLAINANT

For petitioner : Mr.R.Murugappan
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail Crime No.429 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands
of the respondent police for the alleged offence punishable under
Section 294(b), 323 & 506(i) of I.P.C. r/w. Section 4 of TNPHW Act,
2002, in Crime No.429 of 2021 on the file of the respondent police,
seeks anticipatory bail.

2.The case of the prosecution is that on 30.08.2021, the
petitioner in a drunken mood, assaulted the defacto complainant's
husband and brother with broken bottle, thereby caused injury to
them. Thereafter, on 01.09.2021, he went to the defacto
complainant's house, who is a pregnant lady, in a drunken mood and
asking the whereabouts of her husband and brother, he pushed her
down. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner did not commit any offence as alleged by the prosecution.
When the petitioner is trying to mediate the dispute between the
defacto complainant and his brother, she lodged the present
complaint. He would further submitted that no one has been admitted
in the hospital.



4.The learned Government Advocate submits that no previous case is pending against the petitioner and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, nature of allegations, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kulithalai, Karur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd
15.09.2021

/ TRUE COPY/

/ /2021

Sub Assistant Registrar (C.S)
Madurai Bench of Madras High Court
Madurai 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
- 1.The Judicial Magistrate No.I,
Kulithalai,
Karur District.
 - 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
 - 3.The Inspector of Police,
Thogamalai Police Station,
Karur District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.13121 of 2021
Date : 15.09.2021

RS/SKN/SAR2 (23.09.2021) 3P 5C