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

Date : 27.09.2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP(MD)No.14190 of 2021**

Muthu Irulan

... Petitioner/Sole Accused

Vs

State rep. by  
The Inspector of Police,  
Tiruppuvanam Police Station,  
Sivagangai District.  
(Crime No.374/2021)

... Respondent/Complainant

For Petitioner : M/s.R.Venkatesan, Advocate

For Respondent : M/s.P.Kottai Chamy,  
Government Advocate (Crl. Side)

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

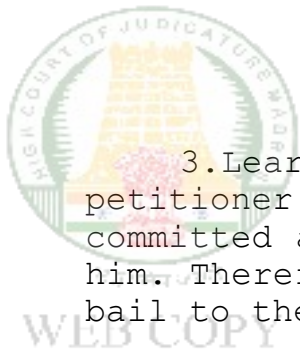
PRAYER :-

For Anticipatory Bail in Crime No.374 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 IPC and Section 4 of TNPHW Act, in connection with the case in Crime No.374 of 2021, has filed this application for anticipatory bail.

2.The prosecution case is that when the defacto complainant's mother-in-law was grazing the buffaloes, the petitioner has assaulted her. Hence the complaint.



3.Learned Counsel for the petitioner submitted that the petitioner is a deaf and dumb. He is an innocent and has not committed any offence, but a false case has been foisted as against him. Therefore, the learned Counsel prayed for grant of anticipatory bail to the petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the injured has been discharged from the hospital.

5.Perusal of the FIR shows that no reason has been adduced for the petitioner to assault the victim. Considering the nature of allegation levelled against the petitioner, the fact that he is a deaf and dumb and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruppuvanam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during the investigation or trial.

[d]the petitioner shall not abscond either during the 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 has been 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-  
27/09/2021

/ TRUE COPY /

/ /2021

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

gk

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.

TO

1. THE JUDICIAL MAGISTRATE,  
TIRUPPUVANAM.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
TIRUPPUVANAM POLICE STATION,  
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.14190 of 2021  
Date :27/09/2021