



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15898 of 2021

M. Thanmana Selvam,

... Petitioner/Sole Accused

Vs

State Rep by,
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City,
Madurai District.
(Crime No. 1150 of 2021).

... Respondent/Complainant

For Petitioner : Mr.P.Banuprasath, Advocate.

For Respondent : Mr.Muthu Manickam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1150 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 offences punishable under sections 323, 324, 355, 294(b) and 506(2) of I.P.C., in Crime No.1150 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of prosecution is that on 13.09.2021, the petitioner gave a sum of Rs.2,844/- for online payment through the IDFC Capital Fast Finance. The de-facto complainant also paid the amount through online and gave the receipt to this petitioner. Thereafter, on 13.09.2021, the petitioner questioned the de-facto complainant regarding about the on-payment of online amount, the de-facto complainant told the petitioner to wait for two days. But the petitioner quarrelled with the de-facto complainant, abused him in filthy language, slapped him with footwear and also attacked the de-facto complainant with iron road. Thereby, the de-facto complainant caused injury. Therefore, the present case came to be registered.

<https://hcservices.ecoqurts.org/hcservices/> The learned counsel for the petitioner would submit that the



petitioner is innocent and he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the injured has been discharged from the hospital on 10.10.2021 and no previous case is pending against the petitioner.

5.Taking into consideration the facts and circumstances of the case, the injured has been discharged from the hospital, except Section 506(ii) I.P.C, all other offences are bailable in nature and also the fact the petitioner has not involved in any other offences, this Court is inclined to grant anticipatory bail to the petitioner with certain 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.6, Madurai, 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 respondent police daily at 10.30 am., for a period of 30 days and thereafter, as and when required for interrogation.

(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/-

12/10/2021

/ TRUE COPY /

/ /2021

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



Tmg/Cp

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 NO.VI
MADURAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-7226[I] dated 18/10/2021)

ORDER

IN

CRL OP(MD) No.15898 of 2021

Date :12/10/2021

PKP/PN/SAR-2/20.10.2021/3P/6C