



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.12.2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.848 of 2022

Ananth @ Anthakumar

... Petitioner/Accused No.1

Vs

State Represented by
The Inspector of Police,
Orthanadu Police Station,
Thanjavur District.
(Crime No.71 of 2015)

... Respondent/Complainant

For Petitioner : Mr.K.K.Ramakrishnan, Advocate

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.71 of 2015 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner apprehending arrest for the offence punishable under Sections 120(b), 294(b), 506(ii) IPC in Crime No.71 of 2015 on the file of the respondent Police seeks anticipatory bail.

2.The prosecution case is that the petitioner, due to previous motive, abused the defacto complainant in filthy words and also attacked him. Hence, the complaint.

3.Learned Additional Public Prosecutor submitted that the defacto complainant is one of the eye witnesses in the case in Crime No.445 of 2014, in which, the petitioner herein is an accused. Therefore, the petitioner attacked the defacto complainant. He further submitted that the petitioner is involved in eleven cases and considering his antecedents, this Court has dismissed the petition filed by him for anticipatory bail.



4. Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. At the instance of the defacto complainant, this case has been foisted as against him. Though the occurrence in this case is said to have taken place on 26.01.2015, the First Information Report reached the Court only on 12.02.2015, after a period of 16 days. He further submitted that only two cases are now pending as against the petitioner.

5. Though this Court has dismissed the earlier anticipatory bail application filed by the petitioner, the respondent Police has not shown any interest to secure the petitioner. Now the petitioner has come forward with this application seeking anticipatory bail for the second time.

6. Taking note of the above, the nature of offence, the delay in the FIR reaching the Court and also the claim of the petitioner that only two cases are now pending as against him, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this 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 District Munsif cum Judicial Magistrate, Orathanadu, 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 daily at 10.30 am;

[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 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]** and;



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

sd/-
22/12/2022

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/ TRUE COPY /

/01/2023

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ORTHANADU.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
ORTHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-15580[I] dated
26/12/2022)

ORDER
IN
CRL OP(MD) No.848 of 2022
Date :22/12/2022

RK/MMS/SAR- 1(06/01/2023) 4P/6C