



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2022

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.1208 of 2022

Kanageswaran ...Petitioner/ Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Nainarkovil Police Station,
Nainarkovil,
Ramanathapuram District.
(In Crime No.284 of 2021)

... Respondent/Respondent/Complainant

For Petitioner : Mr.J.Lawrance, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

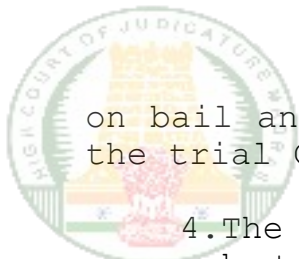
PRAYER :-For Anticipatory Bail in Crime No.284 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 332 and 307 IPC, in Cr.No.284 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.11.2021 based on the information, the defacto complainant went to the place of occurrence and found that the petitioner and others were bursting the crackers in front of hotel by violating the guidelines. When the defacto complainant questioned the same, the petitioner quarreled with them and A2 attacked him with wooden logs, due to which, the defacto complainant sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in the case. The sixth accused was already arrested and released



on bail and other co-accused were also granted anticipatory bail by the trial Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is the second anticipatory bail petition. The petitioner's earlier application was dismissed by this Court on the ground that the petitioner is having three previous cases. He further submitted that the injured person has been discharged from the hospital and the petitioner is having only two previous cases.

5.Considering the facts and circumstances of the case and considering the fact that the injured person has been discharged from the hospital and the petitioner is having only two previous cases, 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 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, Paramakudi, 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 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 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

[c] The petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.

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

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

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

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27/01/2022

/ TRUE COPY /

/ /2022
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.

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
NAINARKOVIL POLICE STATION, NAINARKOVIL,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.J.LAWRANCE, Advocate (SR-465[I] dated 28/01/2022)

ORDER
IN
CRL OP(MD) No.1208 of 2022
Date :27/01/2022

vsd
MK/VR/SAR.I/31.01.2022/3P/6C