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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1401 of 2022

S.Dharmaraj

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Airport Police Station,
Trichy District.
(In Crime No.590 of 2021).

... Respondent/Complainant

For Petitioner : M/s.N.Anandakumar, Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.590 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 506(ii) IPC, in Crime No.590 of 2021, seeks anticipatory bail.

2.The case against the petitioner is that the petitioner and other accused assaulted the *defacto* complainant and applied chilli powder on his eyes, tore his eyebrow and right hand with knife and hit him on his back. A case in Crime No.590 of 2021 was registered against the accused persons under Sections 294(b), 323, 324, 506(ii) IPC. The petitioner filed this petition for anticipatory bail.



3. On the side of the petitioner it is stated that the *defacto* complainant and his wife came to the house of the petitioner and attacked him and then they filed a false case against the petitioner. Hence, pray him to be released on anticipatory bail.

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4. On the side of prosecution it is stated that totally two accused involved in the offence. Already co-accused was released on anticipatory bail. There is relationship of employer and employee between the parties. Only with that motive, this case was registered against the petitioner. A counter case is also pending. It is fairly admitted that the injured was discharged from the hospital and prays to dismiss the petition.

5. Considering the submissions made by both parties, considering the relationship between the parties and considering the fact that there is a counter case against the *defacto* complainant and also considering the fact that the *defacto* complainant has absconded from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, No.IV, Trichy and on his executing 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 the petitioner shall appear before the concerned Court daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
27/01/2022

/ TRUE COPY /

/ /2022

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

PNM

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.IV
TRICHY.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
AIRPORT POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1401 of 2022
Date :27/01/2022

SP/PA/SAR III/04/02/2022/3P/5C