



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16.02.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2787 of 2022

Pitchaimani

... Petitioner/Sole Accused

Vs.

The State represented by
The Inspector of Police,
Cumbum South Police Station,
Cumbum - 625 516,
Theni District.
(Crime No.28 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.KARUPPASAMY PANDIAN, M.
Advocate.

For Respondent : Mr.R.SIVAKUMAR,
Government Advocate (Crl. Side)

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

PRAYER :- For Anticipatory Bail in Crime No.28 of 2022 on the file of the Respondent police.

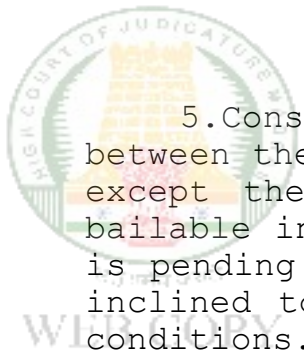
ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 427 and 506(i) of IPC, in Crime No.28 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a family dispute between the petitioner and the defacto complainant, due to which, the petitioner and the other accused had abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the father-in-law of the defacto complainant and for the alleged occurrence, the petitioner has already lodged a complaint against the defacto complainant and the case was registered in Crime No.27 of 2022.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner had damaged the defacto complainant's car to the tune of Rs.10,000/-.



5.Considering the fact that there existed family dispute between the parties and also the facts that no one was injured, that except the offence under Section 506(i) IPC, other offences are bailable in nature and that the counter case in Crime No.27 of 2022 is pending against the defacto complainant and party, 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 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, Uthamapalayam, Theni District, 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 is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** to the credit of Crime No.28 of 2022 on the file of the respondent police before the learned Judicial Magistrate, Uthamapalayam, Theni District, within a period of two weeks from the date of receipt of a copy of this order.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[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.

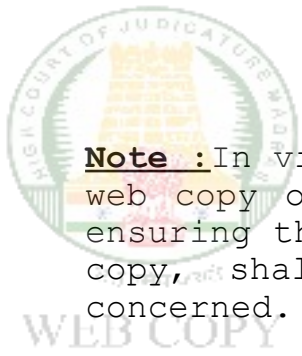
sd/-

16/02/2022

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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
UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
CUMBUM - 625 516,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2787 of 2022

Date :16/02/2022

SA/VR/SAR.2/22.02.2022/3P/5C