



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2889 of 2022

Kooripandi

... Petitioner/Accused NO.1

Vs

State rep.by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram.
(Crime No.498 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Sathyachidambaram, S. Advocate.

For Respondent : M/s.M.Muthu Manikkam,
Government Advocate (Ciminal Side)

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

PRAYER :-

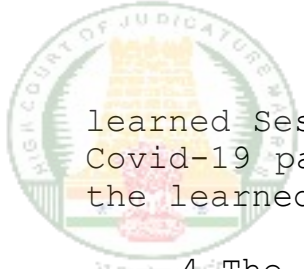
For Anticipatory Bail in Crime No.498 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 323, 324 and 506(ii) IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.498 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the defacto complainant, the petitioner abused the defacto complainant, attacked him and caused injuries and also damaged his two wheeler. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has moved before the Principal District and Sessions Court for anticipatory bail in Crl.M.P.No.1862 of 2022 and the



learned Sessions Judge has also granted anticipatory bail and due to Covid-19 pandemic, he could not furnish the sureties as directed by the learned Principal District and Sessions Judge.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there was a wordy quarrel between the parties, the petitioner along with other accused abused the defacto complainant, assaulted him and caused injuries and also damaged his two wheeler. He would further submit that the injured was discharged from the hospital.

5. Considering facts and circumstances of the case and also the facts that the injured was discharged from the hospital, that except the offence under Section 506(ii) IPC and Section 3(1) of TNPPDL Act, all other offences are bailable in nature and that the petitioner had already been granted anticipatory bail by the learned Sessions Judge, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Ramanathapuram, Ramanathapuram District.

7. On production of such receipt/acknowledgment, 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.II, Ramanathapuram, Ramanathapuram 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 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 for a period of one month 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;

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(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/-

10/02/2022

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

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

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER

IN

CRL OP(MD) No.2889 of 2022

Date : 10/02/2022