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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3189 of 2022

Dineshprabakaran @ Kakka Dhines ... Petitioner/Accused No.3

Vs

State rep.by

The Sub-Inspector of Police,

Thiruchuli Police Station,

Virudhunagar District.

(Crime No.40 of 2021)

...Respondent/Complainant

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

For Respondent : M/s.R.Sivakumar,

Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(2) IPC, in Crime No.40 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant went to hotel at Thiruchuli to buy food and when the petitioners were standing at the entrance of the hotel, the defacto complainant requested them to give way, due to which, there was a wordy quarrel between the petitioners and the defacto complainant. Thereafter, the petitioners were said to have abused the defacto complainant by using filthy language and also attacked him with stick and caused injuries. Hence, the complaint.



3.It is not in dispute that the petitioner and two other accused filed a petition in CrI.O.P.(MD)No.4584 of 2021 seeking anticipatory bail and this Court, vide order dated 25.03.2021, has granted anticipatory bail by imposing certain conditions.

4.The learned counsel for the petitioner would submit that due to COVID-19 restrictions, he could not furnish the sureties.

5.The learned Government Advocate (Criminal Side) would submit that the other two accused had complied with the said order.

6.Considering the above facts and circumstances and also the facts that except the offence under Section 506(2) IPC, all other offences are bailable in nature and that the petitioner has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Thiruchuli, Virudhunagar 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 shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days 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.

[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]**.



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

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Sd/-
15/02/2022

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/ /2022

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

CSM

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,
THIRUCHULI,
VIRUDHUNAGAR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3189 of 2022
Date :15/02/2022