



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4877 of 2022

Ganesan ... Petitioner/Accused No.4

Vs.

State rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.125 of 2022.

... Respondent/Complainant

Thanga Muruganatham ... Intervene Petitioner/
Defacto Complainant
In Crl.MP(MD) No.3620 of 2022

For Petitioner : Mr.K.G.Arunkumar, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

For Intervenor : Mr.C.Hitesh kumar, Advocate.

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

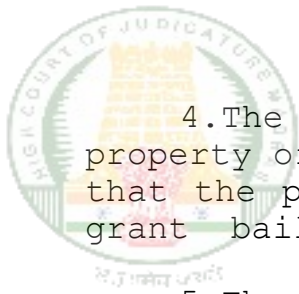
PRAYER :-For Bail in Crime No.125 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 10.02.2022 for the offences punishable under Section 294 (b), 341, 324, 506(ii), 379 IPC r/w 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.125 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a civil dispute between the petitioner and the defacto complainant, due to which, the petitioner along with other accused attacked the defacto complainant and his wife and also snatched 4 sovereigns of gold chain. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused were already granted anticipatory bail by this Court in Crl.OP(MD)No.3417 of 2022.



4.The learned counsel for the intervenor would submit that the property of four sovereigns of gold chain has not been recovered and that the petitioner is having previous cases. Hence, he opposed to grant bail to the petitioner.

5.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is almost completed. He would further submit that the petitioner is having previous cases.

6.It is not in dispute that this Court has already granted anticipatory bail to the Accused 2 and 3 and dismissed the same in respect of the petitioner concerned.

7.Considering the facts and circumstances of the case and considering the facts that there existed civil dispute between the parties, that the injured was discharged from the hospital and that the counter case in crime No.126 of 2022 is pending against the *defacto* complainant and party and also the fact that the petitioner is in judicial custody from 10.02.2022, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing 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 District Munsif cum Judicial Magistrate, Orathanadu.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police for a period of thirty days and thereafter, as and when required for interrogation.

(iii)the petitioner shall not tamper with evidence or witness.

(iv)the petitioner shall not abscond during trial.

(v)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].



(vi) If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/03/2022

/ TRUE COPY /

WEB COPY

17/03/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORTHANADU.
- 2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION, THANJAVUR DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4877 of 2022
Date :17/03/2022

DAS
MK/PN/SAR.IV/17.03.2022/3P/6C