



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.5211 of 2022

Mariappan ... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
K.V.Nallur Police Station,
Thenkasi District.
(Crime No.108 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Jeesi Jeeva Priya.P,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.108 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 323 and 506(2) of IPC, in Crime No.108 of 2022 on the file
of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute
between the petitioner and the de-facto complainant, the petitioner
had beaten the de-facto complainant with log and also caused injury.
Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case.

4.The learned Government Advocate (Crl. side) would submit that
the injured was discharged from the hospital and that the petitioner
is having no previous case.

5.Considering the facts that there existed family dispute
between the parties, that the injured was discharged from the
hospital, that except the offence under Section 506(2) IPC, all



other offences are bailable in nature and also the fact that the petitioner is not having any band antecedents, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6. Accordingly, 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, Sankarankovil, Tenkasi 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/03/2022

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/ /2022

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

SJI

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,
SANKARANKOVIL, TENKASI DISTRICT.

[https://hcservs.casemaster.com/over/](https://hcservs.casemaster.com/over/https://hcservs.casemaster.com/over/)



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
K.V. NALLUR POLICE STATIN, THENKASI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.JEESI JEEVA PRIYA.P. Advocate SR.No.2607

ORDER

IN

CRL OP(MD) No.5211 of 2022

Date :28/03/2022

SS/JM/SAR:II/01.04.2022 : 3P/6C