



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.5764 of 2022

P.Balu

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
Crime No. 80 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Thirumurugan.T,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 80 of 2022 on the file of
the respondent Police.

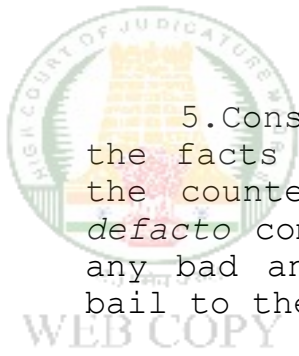
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the
hands of the respondent police for the offences punishable under
Section 294(b), 324 and 506(1) IPC and Section 4 of TNPHW Act, in
Crime No. 80 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was some dispute
between the parties with regard to the water supply in the
agricultural land, due to which, the petitioner along with other
accused persons abused the defacto complainant in filthy language
and assaulted her. 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.

4.The learned Government Advocate (Criminal Side) appearing for
the State would submit that the injured was discharged from the
hospital. He would further submit that the counter case has been
registered in Crime No.81 of 2021 against the defacto complainant.



5.Considering the facts and circumstances of the case and also the facts that the injured was discharged from the hospital, that the counter case in crime No.81 of 2022 is pending against the *defacto* complainant and party and that the petitioner is not having any bad antecedents, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamudhi, 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/-

29/03/2022

/ TRUE COPY /

/ /2022

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

das

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 JUDICIAL MAGISTRATE
KAMUDHI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
ABIRAMAM POLICE STATION, RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.THIRUMURUGAN.T. Advocate SR.No.2634

ORDER

IN

CRL OP(MD) No.5764 of 2022

Date :29/03/2022

SS/VR/SAR:IV/05.04.2022 : 3P/6C