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CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7443 of 2022

Baskaran, ... Petitioner/Accused No.1
Vs
State Rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No. 125 of 2022. ... Respondent/Complainant
Thanga Muruganantham ...Intervene Petitioner/Defacto Complainant
in CRL MP(MD)No.5350 of 2022

For Petitioner : Mr.M.Mahaboob Athiff, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For Intervenor : Mr.C.Hiteshkumar, Advocate
in CRL MP(MD)NO. 5350 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.125 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 324 and 506(ii) @ 379 IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, in Cr.No.125 of 2022, seeks anticipatory bail.

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



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

4.No doubt, the petitioner and two other accused have earlier filed an application in Crl.O.P.(MD)No.3417 of 2022 and this Court has granted anticipatory bail to A2 and A3 but taking note of the previous cases against the present petitioner, that petition was ordered to be dismissed as against him.

5.The learned counsel for the intervenor would submit that though the petitioner's earlier application was dismissed vide order, dated 08.03.2022, the property was not recovered sofar and the petitioner was not arrested. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

6.The learned Additional Public Prosecutor appearing for the respondent would submit that the case in counter in Crime No.126 of 2022 is pending against the de-facto complainant and party.

7.Considering the above facts and circumstances and also the facts that the injured was discharged from the hospital long back, that the co-accused were already granted anticipatory bail by this Court and that the counter case in Crime No.126 of 2022 is pending against the de-facto complainant and party, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

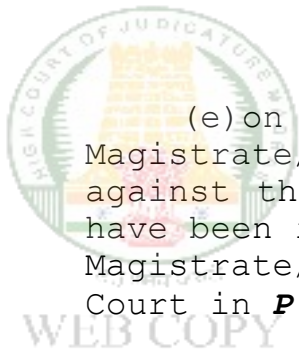
8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Orathanadu on condition that the petitioner shall execute a bond for a sum 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 daily at 10.30 until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation



(e) on breach of any of the aforesaid conditions, the 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/-
22/07/2022

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/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj

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,
ORATHANADU.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.MAHABOOB ATHIFF, Advocate (SR-7562[I] dated 25/07/2022)
ORDER
IN
CRL OP(MD) No.7443 of 2022
Date : 22/07/2022

PKP/SVR/SAR-4/29.07.2022/3P/6C