



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.04.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.8238 of 2022

Venugopal

... Petitioner

Vs

The State represented by
The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
(Crime No.119 of 2021)

... Respondent

For Petitioner : MR.T.J.Ebenzer Charles, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Cr1. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.119 of 2021 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 Sections 294 (b), 324 and 506(2) IPC, in Crime No.119 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had constructed a house for the petitioner, for which, the defacto complainant has received a sum of Rs.17,50,000/-, out of Rs.34,00,000/- and the remaining amount was not settled by the petitioner and on the date of occurrence, the petitioner received the key from the defacto complainant and opened the door, subsequently, the petitioner broke and changed the lock of the house and when the same was questioned by the defacto complainant, the



petitioner abused him in filthy language and attacked him with small knife and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed an application in Crl.O.P.(MD)No.4570 of 2021 seeking anticipatory bail and this Court vide order dated 20.09.2021 has granted anticipatory bail with certain conditions. He would further submit that due to COVID-19 restrictions, the petitioner could not furnish the sureties and hence, he was constrained to file the above application for anticipatory bail again.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is almost completed.

5.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, that investigation is almost completed as stated by the learned Government Advocate (Criminal Side) and that the petitioner was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

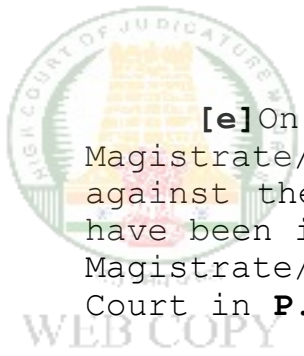
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Illuppur, on condition that the petitioner shall execute a bond for a 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 one month 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.

sd/-
29/04/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ILLUPPUR
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.J.EBENZER CHARLES, Advocate (SR-4074[I]

ORDER
IN
CRL OP(MD) No.8238 of 2022
Date :29/04/2022

PKP/SVR/SAR-2/10.05.2022/3P/6C