



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/04/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.8268 of 2022

Karuppasamy

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
(Cr.No.64/22).

... Respondent/Complainant

For Petitioner : M/s.Pandian.M,
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. 64/2022 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 Sections 147, 294(b), 323, 353 and 506(1) IPC and Section 4 of TNPHW Act, in Crime No.64 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.04.2022 at about 02.00 pm, when the defacto complainant, who is the Forest Officer was in routine rounds, at that time, the petitioner along with other accused persons were standing in the restricted area and consuming Alcohol. When the same was questioned by the defacto complainant, there arose wordy quarrel between them, due to which, the petitioner abused the defacto complainant in filthy language, attacked him and threatened him with dire consequences. 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 petitioner is ready to file an undertaking affidavit before the concerned Magistrate that he will not indulge in such activities in future.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no one was injured in this incident.

5.Considering the nature of the charges levelled and also the facts that no one was seriously injured in this incident, that the petitioner is not having any previous case and also taking note of the submission made by the learned counsel for the petitioner that the petitioner will file an undertaking affidavit that he will not indulge any such activities in future, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Additional Mahila Court, Srivilliputhur.

7.On production of such receipt/acknowledgment, the petitioners are 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 Additional Mahila Court, Srivilliputhur, 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 file an undertaking affidavit that he will not indulge in any such offence in future, before the concerned Judicial Magistrate with necessary application. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

[c]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.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/04/2022

/ TRUE COPY /

/ /2022

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

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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 ADDITIONAL MAHILA COURT
SRIVILLIPUTHUR

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
KOOMAPATTY POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

COPY TO :

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9

ORDER

IN

CRL OP(MD) No.8268 of 2022

Date :29/04/2022

SS/PN/SAR:II/10.05.2022 : 3P/6C