



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/05/2022

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PRESENT

The Hon`ble **Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD) . No.8528 of 2022

Muthukumar, ... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
Panayappatti Police Station,
Pudukottai District.(Crime No.43/2022)..
... Respondent/Complainant

For Petitioner : M/s.Shajahan A,
Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.43/2022 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 alleged offences punishable under Sections 294(b), 324 and 506(ii) IPC r/w 3(1)(r), 3(1)(s) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act 1989, in Crime No.43 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant walked along with her goats, the petitioner, who came in a two wheeler in a rash and negligent manner, dashed against the goats and the same was questioned by the defacto complainant, the petitioner abused, attacked and threatened her. Hence, the



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the State raised objection stating that the petitioner driven a bike in a drunken mood and dashed against the goat, which belonged to the defacto complainant and when the same was questioned by the defacto complainant, the petitioner abused her mentioning her caste name and attacked her, thereby, the defacto complainant sustained injury. He further would submit that investigation is almost completed.

5.The petitioner is the sole accused. The defacto complainant appeared in person before this Court and narrated facts. Considering the facts and circumstances of the case and also considering that simple injury sustained by the goat and victim discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Cr.No.43 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7.On such deposit being made, the defacto complainant is permitted to withdraw the same and 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, Thirumayam, 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 learned 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 **once in a week (ie., on every Wednesday at 10.30 a.m.,** for a period of six weeks, 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]***; and;
(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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19/05/2022

/ TRUE COPY /

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

RMK

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, Thirumayam.
2. Do Through The Chief Judicial Magistrate,
Pudukottai.
3. The Inspector of Police,
Panayappatti Police Station,
Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.8528 of 2022
Date : 19/05/2022

TR/VR/SAR-IV(23.05.2022) 3P 5C