



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.9007 of 2022

S.Malaichamy

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
(Crime No.123/2022).

... Respondent

For Petitioner : M/s.R.Mohamed Riyaz
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.123 of 2022 on the file of the Respondent Police.

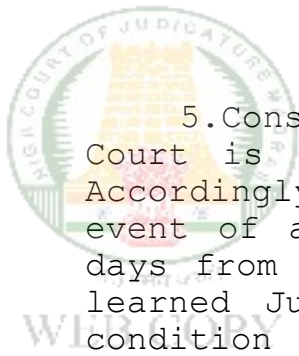
ORDER : The Court made the following order :-

The petitioner/A-1 who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 353, 448 and 506(ii) in Cr.No. 123 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant while doing his electrical work the petitioner came and picked wordy quarrel with him. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would further submit that to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.20,000/-on his own volition, which may be disbursed to the defacto complainant.

4.The learned Government Advocate (crl. side) appearing for the respondent police would submit that there was a wordy quarrel arose between them.



5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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 Court, Aundipatty, Theni District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner is directed to deposit Rs.20,000/- [Rupees Twenty Thousand Only] to the credit in Crime No.123 of 2022 before the learned Judicial Magistrate, Aundipatty, Theni District with in a period of two weeks from the date of receipt of a copy of this order and on such deposit the learned Magistrate shall disburse the said amount to the defacto complainant without filing any formal application and after getting an undertaking from the defacto complainant that he will return the said amount to the petitioner subject to the outcome of the trial.

(b)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;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/05/2022

/ TRUE COPY /

12/05/2022

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



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.

WEB COPY

1 THE JUDICIAL MAGISTRATE,
AUNDIPATTY, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.R.MOHAMED RIYAZ, Advocate (SR-4633[I] dated 12/05/2022)

ORDER

IN

CRL OP(MD) No.9007 of 2022

Date :11/05/2022

RS/JM/SAR.2 (12.05.2022) 3P-6C