



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.05.2022

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PRESENT

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

CRL OP(MD) . No.9196 of 2022

Senthilkumar @ Senthil

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No.108/2022).

... Respondent/Complainant

For Petitioner : Mr.Angusamy V. Advocate.

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

For Intervenor : Mr.V.Rajiv Rufus, Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.108/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) IPC in Crime No.108 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is working as a Cashier in a Bar attached to the TASMAC shop. When the defacto complainant parked his two wheeler in front of the TASMAC shop, a wordy quarrel arose between the first accused/owner of the TASMAC Bar and the defacto complainant and the first accused



assaulted the defacto complainant and caused simple injury. Hence, the complaint.

3.The learned counsel appearing 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 the second accused and the dispute is between the petitioner and the first accused. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is working as a Cashier in the TASMAR bar and the dispute is between the first accused and the defacto complainant and the first accused caused the simple injury to the defacto complainant.

5.Heard the learned counsel appearing for the intervenor.

6.Taking note of the facts and circumstances of the case and also taking note of the submission of the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the said crime number before the Judicial Magistrate, Tiruchendur.

8.On such deposit, 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 Judicial Magistrate, Tiruchendur, 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 respondent police on every Monday at 10.30 a.m until further orders.

[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]**.

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Sd/-
18/05/2022

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

SKN

TO

1. THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KULASEKARAPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.ANGUSAMY V Advocate SR.No.4788

ORDER
IN
CRL OP(MD) No.9196 of 2022
Date :18/05/2022

SP/PN/SAR IV/23/05/2022/3P/6C