



WEB COPY



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

Date : 19/09/2022

PRESENT

**THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN**

**CRL OP(MD) . No.11489 of 2022**

Rajkumar

... Petitioner/Accused No.1

Vs

State rep.by  
The Inspector of Police,  
Patteeswaram Police Station,  
Thanjavur District.  
(Crime No.547 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Joel Paul Antony.A, Advocate.

For Respondent : Mr.M.Veerendhiran,  
Government Advocate (Crl.Side)

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

PRAYER :-

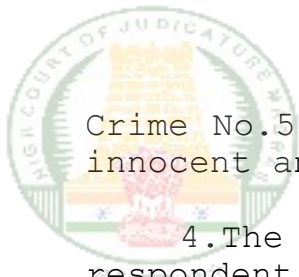
For Anticipatory Bail in Crime No. 547 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that on 18.09.2021, due to previous enmity, the petitioner and other accused abused the defacto complainant, assaulted him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was sustained injuries in the aforesaid occurrence and a case has also been registered against the defacto complainant in



Crime No.546 of 2021. He would further submitted that petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that it is a case and case in counter and the petitioner is having five previous cases. He would further submit that the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact that it a case and case in counter, 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 No.II, Kumbakonam, Thanjavur 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 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 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/-  
19/09/2022

/ TRUE COPY /

/09/2022  
Sub-Assistant Registrar (C.S.II)  
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.

TO

1. THE JUDICIAL MAGISTRATE NO.II,  
KUMBAKONAM, THANJAVUR DISTRICT.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,  
PATTEESWARAM POLICE STATION,  
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

1 + 1 CC TO Mr.JOEL PAUL ANTONY.A , ADVOCATE IN SR No.10275

ORDER  
IN  
CRL OP(MD) No.11489 of 2022  
Date :19/09/2022

SP/GB/SAR II/30/09/2022/3P/6C