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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.12626 of 2022

R.Manogaran

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(Crime No.304/2022).

... Respondent/Complainant

Meenakshi

... Intervener/Defacto
Complainant
(in Crl.M.P. (MD) No.9815/2022)

For Petitioner : M/s.Anandan.B, Advocate.

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

For Intervenor : Mr.R.Karunanidhi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.304/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(ii), 379 I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.304 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was property dispute between the brothers/accused persons and sister/defacto complainant, over which, on 16.06.2022, the accused persons came to the house of the defacto complainant, abused and assaulted her with iron rod and also snatched gold chain, weighing 7 sovereigns. Hence, one complaint.

<https://www.mca.gov.in/>



3. On the side of petitioner, it is stated that the petitioner is innocent and no way connected with the offence. There was property dispute between the parties, over which, a false case was foisted against him. Hence, prays to release the petitioner on anticipatory bail.

4. On the side of intervener, it is stated that the the accused persons severely assaulted the defacto complainant with iron rod and also took her gold chain. Hence, prays to dismiss the petition.

5. On the side of prosecution, it is stated that the injured was discharged from the hospital and that the petitioner is not having any bad antecedent to his credit. In this case, property was not recovered and investigation is not yet completed. Hence, prays to dismiss the petition.

6. Considering the property dispute between the parties, considering the fact that the injured was discharged from the hospital, that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner shall **pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Head Mistress, Govt. High School, Sathyamoorthy Nagar, Madurai (SBI Bank, CIF No.85420502171, A/c No.30641540761, IFSC No.SBIN0016503), Phone No.2463101**, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

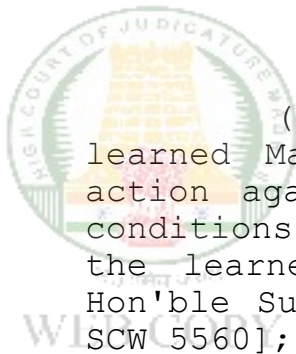
8. On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif cum Judicial Magistrate, Peravurani, on condition that the petitioner 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 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 daily at 10.30 am until further orders;

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;



(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.

sd/-
10/10/2022

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/10/2022

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAVURANI.
2. -DO- THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.
3. THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE HEAD MISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR, MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate (SR-11131[I] dated 10/10/2022)

ORDER
IN
CRL OP(MD) No.12626 of 2022
Date :10/10/2022

PNM
USK/VR/SAR-II/20.10.2022/3P/7C