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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.13864 of 2022

P.Ganeshpandi

... Petitioner/Accused

Vs

1. State rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime.No.205/2022)

... Respondent/Complainant

(*) 2. Thangam

(*) 3. Muthulakshmi

... 2nd & 3rd Respondents/
Defacto Complainants

(*) (R2,R3 Suo Motu impleaded as per order
of this Hon'ble Court dated 01.08.2022
in Crl.O.P.(MD)No.13864/2022 by GIJ)

For Petitioner

: M/s. Sevugaraja.R, Advocate

For Respondent No.1

: Mr.M.Veeranthiran
Government Advocate (Crl.Side)

For Respondents No.2 & 3 : No appearance

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

PRAYER :-

For Anticipatory Bail in Crime No.205 of 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) I.P.C, in Crime No.205 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was family dispute between the parties, over which, on 12.07.2022 at about 07:00am, the accused came to the house of the defacto complainant with drunken mood, scolded him with filthy language and also threatened him. Hence, the complaint.

3. On the side of petitioner, it is stated that the petitioner is innocent and no way connected with the offence. There was family 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 prosecution, it is stated that the injured was discharged from the hospital and that the petitioner is having one previous case at his credit. In this case investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the family dispute between the parties, considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate, Thiruppuvanam, Sivagangai 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.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13864 of 2022

Date :10/10/2022

SP/GB/SAR II/14/10/2022/3P/5C

<https://www.mhc.tn.gov.in/judis>