



WEB COPY



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

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.13906 of 2022

Vellai Poonai @ Baskaran

... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
Silaiman Police Station,
Madurai District
(Crime No.179 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Pakalavan.S, Advocate.

For Respondent : Mr.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

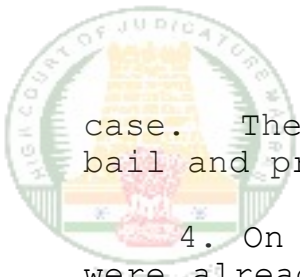
For Anticipatory Bail in Crime No.179 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 392 IPC, in Crime No. 179 of 2022, seeks anticipatory bail.

2. The allegation against the petitioner is that on 04.05.2022, the petitioner and his friend indulged in wordy quarrel with the defacto complainant and attacked him and abused him and also taken away cell phone worth about Rs.16,000/-. A case in Crime No.179 of 2022, was registered against the petitioner.

3. On the side of the petitioner, it is stated that there was only a wordy quarrel in front of the TASMAL shop. The cell phone was not recovered from the petitioner. The petitioner is only A2 in the



case. The other accused viz., A1 and A3 were already released on bail and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that A1 and A3 were already released on bail by the Principal District Judge. It is fairly admitted that the injured was discharged from the Hospital on 04.05.2022.

5. Considering the facts and circumstances of the case and considering the fact that the injured discharged on the date of occurrence itself and also considering the fact that co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this 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 learned Judicial Magistrate No.II, Madurai, 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 to the Police Officer, who intends to arrest or 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 Aadhar 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

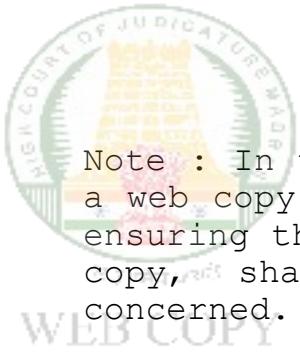
Sd/-

06/09/2022

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Sub-Assistant Registrar (C.S.I)
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,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. PAKALAVAN.S Advocate SR.No.9717

ORDER
IN
CRL OP(MD) No.13906 of 2022
Date :06/09/2022

SP/SVR/SAR I/09/09/2022/3P/6C