



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.14759 of 2022

R.Manikandan

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
C2 Sessions Court Police Station,
Trichy.
(Crime No.583 of 2022)

... Respondent/Complainant

Prabu

... Petitioner/Intervening Petitioner
In Cr1.MP(MD).10523/2022 in
Cr1.OP(MD).14759/2022

For Petitioner : M/s.K.BAIRAVAN
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM
Government Advocate (Cr1.Side)

For Intervener : Mr.VEERAPANDI SELVARAJ, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.583 of 2022 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), 323, 324, 506(ii) of IPC in Crime No.583 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons went to the defacto complainant's house, scolded him in filthy language, attacked him with sticks and criminally intimidated him. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner got married with one Vanitha. Now they are living separately due to some misunderstanding. The said vanitha and the defacto complainant are working in same office. At the instigation of the said Vanitha, the defacto complainant has given the present



false complaint. The petitioner has not committed any of as alleged by the prosecution and pray the petitioner to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that there are three accused. The petitioner is the first accused. The petitioner was arrested on 11.09.2022 in another case. The petitioner is having four previous cases and pray the petition to be dismissed.

5.On the side of the intervener it is stated that the defacto complainant/ intervener is working as a Junior Assistant in Trichy Corporation. The petitioner's wife Vanitha is working in the same office. The petitioner came to the office and fought with the said Vanitha. The defacto complainant warned the petitioner to get out of the office. Having enmity due to this incident, the petitioner along with other two accused persons came to the defacto complainant's house and attacked him with wooden log in his nose and eyes, for which he has taken treatment in the hospital as an inpatient. Therefore, he prays the petition to be dismissed.

6.Considering the facts and circumstances of this case, considering the nature of the offence and also the fact the the previous cases are not in severe nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Trichy, 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;

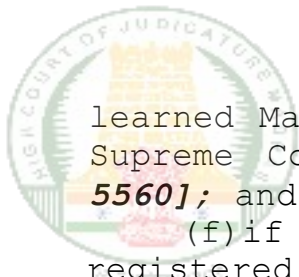
(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation;

(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

imposed and the petitioner released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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.

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sd/-

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
C2 SESSIONS COURT POLICE STATION,
TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BAIRAVAN K Advocate SR.No.10178

ORDER

IN

CRL OP(MD) No.14759 of 2022

Date :15/09/2022

pnn

SA/SVR/SAR.2/23.09.2022/3P/6C