



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.15162 of 2022

WEB COPY

Shanmugam

... Petitioner/Single Accused

Vs

The State represented by
The Inspector of Police,
Lalgudi Police Station,
Lalgudi.
(Crime No.245/2022).

... Respondent/Complainant

For Petitioner : M/s.S.B.Kayvinn Prince
Advocate.

For Respondent : M/S.M.VAIKKAM KARUNANITHI,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.245/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
147, 148, 294(b), 324 and 506(i) of IPC, in Cr.No.245 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner's dog has
hunted the defacto complainant's hens and when the defacto
complainant's mother questioned about the incident, the petitioner
scolded the defacto complainant and his mother in filthy language,
attacked with wooden rod and criminally intimidated them. Hence the
complaint.

3.The learned counsel for the petitioner submitted that he has
not committed any offence as alleged by the prosecution. He has
been falsely implicated in this case and pray the petitioner to be
released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that the
injured was treated for only simple injuries and was discharged from
the hospital.



5. Considering the facts and circumstances of this case, considering the nature of offence and also the fact that the injured was discharged from the hospital, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi, 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 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/-

07/09/2022

/ TRUE COPY /

/09/2022

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

pnn



TO

1. THE JUDICIAL MAGISTRATE, LALGUDI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3. THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
LALGUDI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KAYVIN PRINCE S.B. Advocate SR.No.9846

ORDER

IN

CRL OP(MD) No.15162 of 2022

Date : 07/09/2022

RK/SBN/SAR-1 (12/09/2022) 3P/6C