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

Date : 27/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.15230 of 2022

C.Prabhu

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.162/2022).

... Respondent/Complainant

For Petitioner : M/s.Murugan R, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.162/2022 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 323 and 324 IPC and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, in Crime No.162 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 11.08.2022, the petitioner assaulted the de-facto complainant's son, namely, Nagaraj with stick, who is studying 9th standard in the petitioner's school. Since the de-facto complainant's son was not in a position to walk, on 18.08.2022, he was admitted in a private hospital and thereafter, forwarded to the Government Hospital, Madurai. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner came to know the situation of the de-facto complainant's son, the petitioner and other teachers went to the hospital and heard the injury nature and also aided the de-facto complainant's son for his treatment. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital and no previous case is pending against the petitioner. He would further submit that the investigation is not yet completed and hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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.2, Usilampatti, Madurai District, 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 not abscond either during investigation or trial;

(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.

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Sd/-
27/10/2022

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

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

+1. CC to M/S.R.RAJASELVAN Advocate SR.No.51338

ORDER
IN
CRL OP(MD) No.15230 of 2022
Date :27/10/2022

SP/SSS/SAR I/07/11/2022/3P/6C