



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.15528 of 2022

WEB COPY

Rajesh Kannan

... Petitioner/ Sole Accused

Vs

The State represented by
The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(Crime No.194 of 2022)

... Respondent/Complainant

For Petitioner : M/s.S.P.Naveen Kumar
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.194 of 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
294(b), 307 and 506(ii) of IPC in Crime No.194 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner's wife and
the defacto complainant's wife are friends. The petitioner
suspected that his wife is having illegal relationship with the
defacto complainant. Hence, on the date of occurrence, the
petitioner scolded the defacto complainant in filthy language and
attacked him with knife. The defacto complainant sustained injury
in this incident. Hence the complaint.

3.The learned counsel for the petitioner submitted that
suspecting that the defacto complainant had illegal relationship
with the petitioner's wife a complaint has been filed before the
respondent police in C.S.R.No.307 of 2022. In this circumstances,
the defacto complainant has given a false complaint against the
petitioner in Crime No.194 of 2022 and pray the petitioner to be
released on anticipatory bail.



4.The learned Government Advocate(Crl.side) submitted the petitioner/ accused attacked the defacto complainant and he sustained injury. The defacto complainant was given treatment in Meenkshi Mission hospital with five stitches in rib and four stitches in neck. The injured in this case has been discharged.

5.Considering the facts and circumstances of this case, considering the nature of the 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Uthamapalayam, 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/-

15/09/2022

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/09/2022

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



TO

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

+1 CC to M/s.S.P.NAVEEN KUMAR, Advocate (SR-10078[I] dated
15/09/2022)

ORDER
IN
CRL OP(MD) No.15528 of 2022
Date :15/09/2022

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