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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

PRESENT

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

CRL OP(MD). No.16875 of 2022

Muthukumar

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Vilampatti Police Station,
Dindigul District.
Crime No. 03 of 2009.

... Respondent/Complainant

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

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

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

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest or surrender in the case in C.C No. 02 of 2011 on the file of the Learned Judicial Magistrate, Nilakottai in Crime No.03 of 2009 on the file of the respondent police.

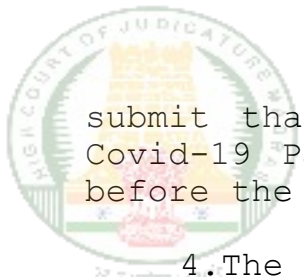
ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police regarding non-bailable warrant, dated 18.03.2015 issued by the learned Judicial Magistrate, Nilakottai in C.C.No.02 of 2011 in Crime No.03 of 2009 for the offence under Sections 147, 148, 341, 324 and 379 IPC, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel the petitioner attacked the defacto complainant and that the charge sheet has been filed in this crime number. The petitioner did not appear before the trial Court on 18.03.2015 and hence, non bailable warrant was issued against him.

3. The learned counsel for the petitioner would submit that the petitioner was working in Kerala and he came to know that the case was disposed of on compromise between the parties. He would further

<https://www.mhc.tn.gov.in/judis>



submit that he was not able to return to his native due to the Covid-19 Pandemic situation and hence, he was not able to appear before the trial Court and seeks bail.

4.The learned Government Advocate(Crl.Side) would submit that due to non appearance of the petitioner non bailable warrant was issued against him on 18.03.2015 and the trial is not yet commenced.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner 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, Nilakottai, 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 is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) to the Madurai Bench of Madras High Court Dispensary operated by the Registrar (Admin) **(Account No:- 6960810645, IFSC Code:- IDIB000H040, Indian Bank Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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06/10/2022

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

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TO

1. THE JUDICIAL MAGISTRATE, NILAKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1. THE REGISTRAR (ADMINING),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE OFFICER INCHARGE,
DISPENSARY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-10289[I] dated 21/09/2022)

ORDER

IN

CRL OP(MD) No.16875 of 2022

Date : 20/09/2022

RK/GB/SAR-2 (30/09/2022) 3P/9C