



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/09/2022

PRESENT

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

CRL OP(MD). No.15767 of 2022

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P.Murugan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
Crime No.177/2022.

... Respondent/Complainant

For Petitioner : M/s.Mariappan.G,
Advocate.

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

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

PRAYER :-

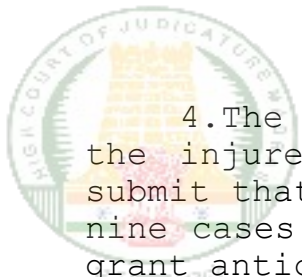
For Anticipatory Bail in Crime No.177 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, in Cr.No.177 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that while the defacto complainant cultivating onion crops in his agriculture land, the first accused grassed his goats and sheep in the defacto complainant's field, for which, a wordy quarrel arose between them. Thereafter, the first accused along with other accused attacked the defacto complainant with sticks and spears. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A1 and A3 were already arrested and released on bail and A4 and A5 were already granted anticipatory bail by the District Court, Virudhunagar. Hence, he prays for anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. He would further submit that the petitioner is having 11 previous case, out of which, nine cases were already disposed of. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

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5.Considering the facts and circumstances of the case and also considering 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, 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 No.II, Virudhunagar, 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 Inspector of Police, East Police Station, Kovilpatti, 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.

sd/-

23/09/2022

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/10/2022

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



Note : In view of the present lock down owing to COVID-19, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE, AVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE INSPECTOR OF POLICE, EAST POLICE STATION, KOVILPATTI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M/S.MARIAPPAN.G, Advocate (SR-10416[I] dated 23/09/2022)

ORDER
IN
CRL OP(MD) No.15767 of 2022
Date :23/09/2022

SJI
RS/VR/SAR.1(06.10.2022) 3P-7C