



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved On: 12/09/2022
Pronounced On: 14/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15880 of 2022

A.Vellaisamy

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Vembakkottai Police Station,
Vemabakkottai,
Virudhunagar District.
(Crime No. 258 of 2022).

... Respondent/Complainant

For Petitioner : M/s.VIRALINATHAN.K,
For Respondent : Mr.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)
For Intervenor : Mr.S.MAHENDRAPATHY, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.258 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(ii) I.P.C r/w Section 109 IPC, in Crime No.258 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the instigation of the petitioner, the defacto complainant was assaulted and criminally intimidated by the accused persons. Hence, the defacto complainant lodged the complaint

3.On the side of the petitioner, it is stated that a false case was foisted against the petitioner. The injured was discharged from the hospital on 31.08.2022. Hence, prayed to released the petitioner on anticipatory bail.

4.On the side of prosecution, it is stated that in this case, the injured discharged from the hospital on 31.08.2022. The petitioner is not having any bad antecedent and after investigation, the case altered into Section 307 IPC. Hence, prayed to dismiss the petition.



5. Considering the nature of the offence, considering the fact that the injured was discharged from the hospital and that the petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

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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.II, Sattur, Virudhunagar 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 for a period of one month 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/-

14/09/2022

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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 NO.II,
SATTUR, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
VEMBAKKOTTAI POLICE STATION,
VEMABAKKOTTAI,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.15880 of 2022

Date :14/09/2022

PNM

SA/PN/SAR.2/20.09.2022/3P/5C