



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

Date : 08/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16208 of 2022

M.Karuppasamy

... Petitioner/2nd Accused

Vs

The State represented by
The Inspector of Police,
Vilathikulam police Station,
Thoothukudi District.
(Crime No.270/22).

... Respondent/Complainant

For Petitioner : M/s.M.Jerin Mathew
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.270/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 323 and 506(ii) of IPC read with Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, 2002 in Cr.No.270 of 2022,
seeks anticipatory bail.

2.The case of the prosecution is that a pathway dispute is
existed between the petitioner and the defacto complainant. Due to
previous motive, the petitioner and other accused have attacked the
defacto complainant with stick and abused him in filthy language.
He further threatened him with dire consequences. Hence the
complaint.

3.The learned counsel for the petitioner submitted that the
petitioner has not committed any offence as alleged by the
prosecution. He has been falsely implicated in this case and pray
the petitioner to be released on anticipatory bail.



4.The learned Government Advocate(Crl.side) submitted that there are two accused in this case. The petitioner is the second accused. The injured was treated only as an out patient. No previous case is pending against the petitioner herein.

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

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

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-9784[I] dated
08/09/2022)

ORDER
IN
CRL OP(MD) No.16208 of 2022
Date :08/09/2022

pnn
USK/VR/SAR-I/19.09.2022/3P/6C