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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2022

PRESENT

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

CRL OP(MD). No.16260 of 2022

Riyaskhan,

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.
(Crime No. 194 of 2022)

... Respondent/Complainant

Sithi Thayamma

...Petitioner/Intervener
in Crl MP(MD)No.11144 of 2022

For Petitioner : Mr.K.Navaneetharaja, Advocate.

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

For Intervener : Mr.R.Rajesh, Advocate
in Crl MP(MD)No.11144 of 2022

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, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 448,
294(b), 323 and 506(ii) of I.P.C, and Section 4 of TNPHW Act in
Crime No.194 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute
between the petitioner and defacto complainant's family members, due



to which, on the date of occurrence, the petitioner trespassed into the defacto complainant's house and assaulted the defacto complainant and also threatened her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are close relatives. He is an innocent and he did not commit any offence as alleged by the prosecution. He would further submit that a counter case in Crime No.195 of 2022 has been registered against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the intervenor would submit that the petitioner and others trespassed into the de-facto complainant's house and attacked the de-facto complainant and also caused injuries to her. He would further submit that the petitioner is the habitual offender and he is having some previous case. Hence, he prays for dismissal of this petition.

5.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that it is a case and case in counter and the injured has been discharged from the hospital. He would further submit that the petitioner is having some previous cases and the investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the facts that the injured has already been discharged from the hospital and it a case and case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) **to the credit of Officer-in-Charge, High Court Legal Services Committee, Madurai Bench of Madras High Court, Madurai, (S.B.A/c.No.496037387, IFSC : IDIB000H040, Indian Bank, High Court Branch, Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate No.I, Ramanathapuram.

8.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on 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.I, Ramanathapuram, 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 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 Aadhaar card or bank passbook to ensure their identity.

[b]the petitioner shall report before Inspector of Police, Town Police Station, Sivagangai daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

21/09/2022

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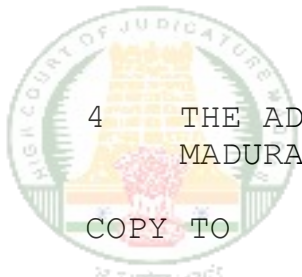
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 pandemic, 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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUPULLANI POLICE STATION,
RAMANATHAPURAM DISTRICT.



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

COPY TO

1 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, SIVAGANGAI.

2 THE OFFICER INCHARGE,
HIGH COURT LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.NAVANEETHARAJA, Advocate (SR-10323[I] dated
21/09/2022)

ORDER
IN
CRL OP(MD) No.16260 of 2022
Date :21/09/2022

PKP/GB/SAR /10.10.2022/4P/8C