



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI
CRL OP(MD). No.16314 of 2022

WEB COPY

Akash

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Pathamadai Police Station,
Tiurnelveli District.
Crime No.90 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram.S
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.90 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), 323, 324, 506(ii) I.P.C, in Crime No.90 of 2022, on the file
of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.09.2022 at about
07.30PM, due to previous motive, the petitioner assaulted the
defacto complainant with deadly weapon and threatened him in filthy
language, and also threatened him with dire consequences. Hence,
the complaint.

3. On the side of petitioner, it is stated that it is a case in
counter, based upon the complaint given by the petitioner, a counter
case was registered in Crime No.91 of 2022 against the *defacto*
complainant party and that injured was discharged from the hospital.
Hence, prays to release the petitioner on anticipatory bail.

4.On the side of prosecution, it is stated that based upon the
complaint given by the petitioner, case in counter was registered in
Cr.No.91 of 2022 against the *defacto* complainant party and the
injured was discharged from the hospital. The petitioner is having
two previous cases at his credit.



5. Though the petitioner is having previous cases, considering the previous dispute between the parties, considering the fact that the injured was discharged from the hospital and that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, this Criminal Original Petition is allowed and 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, Cheranmahadevi, Tirunelveli 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 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 learned Magistrate may obtain a copy of their Aadhaar 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 two weeks and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with the 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/ petitioner 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,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.16314 of 2022

Date :14/09/2022

RK/SVR/SAR-1 (20/09/2022) 3P/5C