



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16595 of 2022

WEB COPY

Raja

... Petitioner/Accused No.6

Vs

State represented by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.281 of 2012)

... Respondent/Complainant

For Petitioner : M/s.S.Vellaichamy, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.281 of 2012 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 307 of IPC, altered into Section 147, 148, 294(b), 307 and read with Section 149 of IPC, in Crime No.281 of 2012, seeks anticipatory bail.

2.The case of the prosecution is that there was a scuffle between the landlord/accused persons and tenant/defacto complainant. The defacto complainant sustained injury due to this incident. Hence a case was registered against the accused in Crime No.281 of 2012. The first accused gave a complaint against the Crime No.435 of 2012. A charge sheet was filed in Spl.S.C.No.87 of 2019 on the file of the learned Principal Sessions Court, Dindigul. A non bailable warrant was issued by the learned Judicial Magistrate Court, Nilakkottai.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. The petitioner was not aware of the fact that a case in Spl.S.C.No.87 of 2019 is pending before the learned Principal Sessions Court, Dindigul. A petition has been filed for quashing the FIR pending against petition, on compromise in CrI.O.P.(MD) No.20011 of 2021.



4.The learned Government Advocate(Crl.side) submit at there are 11 accused in this case. The petitioner is A6. Non bailable warrant was issued on 03.09.2015. No previous case has been filed against the petitioner herein.

5.Considering the facts and circumstances of this case and considering the nature of the 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakkottai, Dindigul 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, until further orders;

(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/-

15/09/2022

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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,
NILAKKOTTAI, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.S.VELLAICHAMY, Advocate (SR-10058[I] dated
15/09/2022)

ORDER

IN

CRL OP(MD) No.16595 of 2022

Date :15/09/2022

PNN

RS/SBN/SAR.2 (22.09.2022) 3P-6C