



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.16503 of 2022

Vijayakumar

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukottai District.
Crime No. 140 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Lenin Kumar T,
Advocate.

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

PRAYER :-

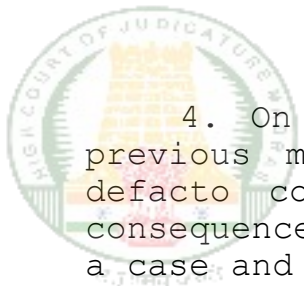
For Anticipatory Bail in Crime No. 140 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 294(b), 323 and 506(ii) IPC, in Crime No. 140 of 2022, seeks anticipatory bail.

2. The allegation against the petitioner is that due to previous enmity, the petitioner and other accused abused the defacto complainant and his father by using filthy language and assaulted with hands and also threatened him with dire consequences. A case in Crime No.140 of 2022, was registered against the petitioner.

3. On the side of the petitioner, it is stated that due to previous enmity, the petitioner's name was falsely implicated in this case. The defacto complainant's father is doing a Contract work, he filed a complaint against the Panchayat Secretary and the same was registered in Crime No.138 of 2022. As a counter blast, this false case foisted. No one was injured in the occurrence and prayed the petitioner to be released on anticipatory bail.



4. On the side of the prosecution, it is stated that to previous motive, the petitioner and other accused assaulted the defacto complainant with Aruval and threatened him with dire consequences. No one was injured in the said occurrence. There is a case and counter case.

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5. Considering the facts and circumstances of the case and considering the fact that there is a case and counter case and also considering the fact that no one was injured, 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, Aranthangi, 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 concerned Court daily at 10.30 am for a period of two weeks and thereafter as and when required;

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



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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-10054[I] dated 15/09/2022)

ORDER
IN
CRL OP(MD) No.16503 of 2022
Date :14/09/2022

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USK/VRS/SAR-II/19.09.2022/3P/6C