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

Date : 22/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) .No.16884 of 2022

Vasanthakumar

... Petitioner/ Sole Accused

Vs

The State represented by
The Inspector of Police,
Cumbum North Police Station,
Tenkasi District.
(Crime No.257 of 2022)

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.257 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of IPC in Crime No.257 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was a driver who worked under the petitioner. Due to non payment of salary, the defacto complainant left his job. Due to this motive, the petitioner attacked the defacto complainant with knife and caused him injury. Hence the case.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution.
<https://www.mhc.tn.gov.in/judis>



4. On the side of the petitioner it is stated that the earlier petition was dismissed on the ground that the petitioner is having a previous case, whereas there is no such previous case against the petitioner. He has been falsely implicated in this case and pray the petitioner to be released on anticipatory bail.

5. The learned Government Advocate (Crl. side) submitted that when earlier the matter was taken up for hearing on 08.09.2022, it was wrongly intimated that the petitioner is having a previous case. Only due to a confusion in the name of the accused, inadvertently, it was stated that the petitioner was having a previous case and that the respondent came to know that the petitioner is not having any previous case and an affidavit to that effect was filed on the side of the prosecution.

6. Considering the fact that the injured was discharged from the hospital, considering that there is no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Uthamapalayam, Theni 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 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.

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Sd/-
22/09/2022

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

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TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16884 of 2022
Date :22/09/2022

SP/GB/SAR I/26/09/2022/3P/5C