



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

Date : 16/09/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.16678 of 2022

Indiresan

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Crime No.301 of 2022).

...Respondent/Complainant

For Petitioner : M/s.Mohamed Riyaz A,
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.301 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 294(b), 323, 353 and 506(i) of I.P.C, in Crime No.301 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 02.09.2022 at about 3.30 p.m, the petitioner and the second accused came to the Sub Registrar Office, Vadamadurai and the petitioner took video. It was questioned by the defacto complainant, at that time, the petitioner abused him in filthy language and pushed down him. Then the second accused kicked the defacto complainant by demanding Mamool. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would further submit that the defacto complainant lodged this instant complaint as a counter-blast on 05.09.2022. The second accused was arrested and thereafter,



released on bail by the learned District Munsif cum Judicial Magistrate, Vendasandur vide CrI.M.P.No.5020 of 2022 on 09.09.2022 and the petitioner shall abide any condition imposed by this Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that no one sustained injury in this occurrence and there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that no one injured in this occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.301 of 2022 before the learned District Munsif cum Judicial Magistrate, Vendasandur, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7.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 District Munsif cum Judicial Magistrate, Vendasandur, 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 pass book to ensure their identity.

[b]the petitioner shall report before respondent police 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/-
16/09/2022

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/ TRUE COPY /

/09/2022

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
VEDASANDUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16678 of 2022
Date :16/09/2022

cp
USK/VR/SAR-I/26.09.2022/3P/5C