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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/09/2022
PRESENT

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

CRL OP(MD) . No.16896 of 2022

Ponesakki

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
(Crime No.289/2022).

... Respondent/Complainant

For Petitioner : M/s.SUYAMBULINGA BHARATHI.K,Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.289/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 506(2) of IPC, in Cr.No.289 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 06.09.2022, when the defacto complainant was drove his vehicle bearing registration No.TN-69-AQ-6039 by way of the Thevar Colony, at that time, the accused persons were waylaid his vehicle and threatened him not to use that way and also attacked him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that due to previous enmity, a false case foisted against the petitioner and he is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that previously the petitioner also lodged a complaint against the defacto complainant before the respondent police, which was registered in CSR No.791/2022 and the same is pending for investigation. He would further submit that the defacto complainant only initiated the above occurrence and the petitioner is also sustained injuries.



4.The learned Government Advocate(Crl.Side) would submit that the injured has been discharged from the hospital. He would further submit that the petitioner is having seven previous cases and the investigation is still pending.

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5.Considering the facts and circumstances of the case and also considering the nature of offence and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the **Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate-III, Thoothukudi.

7.On production of such receipt, 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-III, Thoothukudi, 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 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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 NO.III
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16896 of 2022
Date :21/09/2022

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