



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

Date : 14/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

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CRL OP(MD).No.18316 of 2022

Sounder Rajan

... Petitioner / Accused

Vs

The State represented by
The Inspector of Police,
Puliangudi.
Crime No.383 of 2022.

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah
Advocate.

For Respondent : Mr.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.383 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
448, 294(b), 323, 342, 506(ii) of IPC in Crime No.383 of 2022, on
the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 30.08.2022, due to
property dispute, the first petitioner / accused, who is the son of
the defacto complainant, abused him in filthy language, assaulted
and confined him in a room, threatened him with dire consequences.
Hence the complaint was lodged against the petitioner.

3. On the side of the petitioner, it is stated that the
petitioner is innocent and has not committed any such offence, as
alleged by the prosecution. The dispute is between the father and
son. The father wants his son to vacate the house. Actually, the
son is working in the IIT, Kanpur. It was the daughter-in-law, who
is living alone in the house. Due to some dispute between the
daughter-in-law and the mother-in-law, the father of the petitioner
wants the petitioner to vacate the house and he lodged a false
complaint against the petitioner. Hence prays to release him on
anticipatory bail.



4. On the side of the prosecution, it is stated that the petitioner assaulted his own father who is aged about 80 years for getting registration of a property and prayed to dismiss the petition. The injured was discharged on 09.09.2022.

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5. Considering the facts and circumstances of this case, considering the fact that the victim was discharged on 09.09.2022 and considering the fact that though the earlier petition was dismissed on 14.09.2022 itself, the respondent has not taken any steps to arrest the petitioner, this Court is inclined to release the petitioner on anticipatory bail on the following 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, Sivakasi, 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 should not enter into the disputed house and the house of the victim. The petitioner has to reside at Madurai and sign before the North Gate Police Station daily at 10.30 a.m., for a period of 30 days 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.

sd/-

14/10/2022

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
SIVAKASI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
PULIANGUDI.

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

ORDER

IN

CRL OP(MD) No.18316 of 2022

Date :14/10/2022

SS/GB/SAR-I (26/10/2022) 3P/5C