

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2022

PRESENT

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

CRL OP(MD). No.17123 of 2022

M.Mohammed Rukman ... Petitioner/Accused No.1
Vs

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The Inspector of Police,

(*)Theni Police Station,

Theni District.

(Crime No.317/2022).

... Respondent/Complainant

(*) (Amended as per order of the court dated

30.09.2022 in Cr1 MP(MD)No.11721/2022 in

Cr1 OP(MD)No.17123/2022)

For Petitioner : M/s.Dinesh K,Advocate

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Cr1.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.317/2022 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 294(b), 323, 324, 379, 506(ii), 427 I.P.C, in Crime No.317 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was dispute between the parties, over which, on 26.06.2022, the accused assaulted the defacto complainant with steel pipe and caused injuries and also damaged the two wheeler. Hence, the complaint.

3. On the side of petitioner, it is stated that originally the petitioner has lodged a complaint in Crime No.220 of 2022, on 26.06.2022 and for the same occurrence, after a lapse of three months, a private complaint was lodged by the defacto complainant

and as per the direction of learned Magistrate, this case was registered against the petitioner. Hence, prays to release the petitioner on anticipatory bail.

4.On the side of prosecution, it is stated that earlier complaint was lodged based upon the complaint given by the petitioner in Crime No.220 of 2022 against the defacto complainant party and the injured was discharged from the hospital. Investigation is not yet completed. Hence, prays to dismiss the petition.

5.Considering the dispute between the parties, considering the fact that the injured was discharged from the hospital, that the petitioner is not having any previous case and that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original 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 Judicial Magistrate, Theni, 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 learned Magistrate may obtain a copy of their Aadhaar 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 the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/09/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

+1 CC to M/s.K.DINESH, Advocate (SR-10844[I] dated 30/09/2022)

ORDER
IN
CRL OP(MD) No.17123 of 2022
Date :30/09/2022

pnm
PKP/VR/SAR-2/12.10.2022/3P/6C