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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

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

CRL OP (MD) . No.17352 of 2022

D.Pandi @ Pandiya Rajan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Thirupparankundram Police Station,
Madurai District.
(Crime No.337 of 2022).

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.337 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 452, 427, 294(b), 307 and 506(ii) IPC, in Cr.No.337 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's husband is running a silver metal factory. A1 was working as a labour in the steel factory and he used to tease the women labours who were working in the factory, hence, the husband of the de-facto complainant terminated A1 from the factory. Hence, on 23.08.2022, the petitioner along with A1 and two others trespassed



into the factory, scolded the de-facto complainant's husband in filthy language and attacked him with knife and also caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that co-accused have already been released on bail and hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the injured was discharged from the hospital. He would further submit that the investigation is pending and hence, he strongly opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and also the fact that the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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 No.6, Madurai, 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.

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Sd/-
19/10/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.6,
MADURAI.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THIRUPPARANKUNDRAM POLICE STATION,
MADURAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.MALAIKANI.S Advocate SR.No.11683

ORDER
IN
CRL OP(MD) No.17352 of 2022
Date :19/10/2022

SP/GB/SAR /27/10/2022/3P/6C