



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

WEB COPY

PRESENT

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

CRL OP(MD) . No.17436 of 2022

A.Alagar Samy

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Viloor Police Station,
Madurai District.

Crime No.57 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Vaiyadurai V,

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

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

PRAYER :-

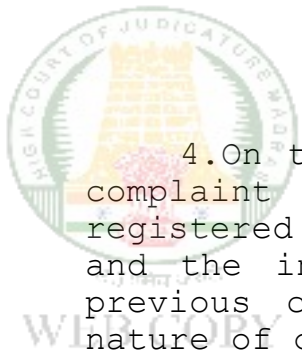
For Anticipatory Bail in Crime No.57 of 2022 on the file of the Respondent Police.

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 294(b), 324, 307 I.P.C, in Crime No.57 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to election motive , there was dispute between the parties, over which, on 21.09.2022, at about 08.00PM, the accused persons went to the house of the defacto complainant, abused, assaulted him and also threatened him with dire consequences. Hence, the complaint.

3. On the side of petitioner, it is stated that it is a case in counter, based upon the complaint given by the accused persons, a counter case was registered in Crime No.58 of 2022 against the defacto complainant party and that injured was discharged from the hospital. The co-accused was already enlarged on bail. Hence, prays to release the petitioner on anticipatory bail.



4. On the side of prosecution, it is stated that based upon the complaint given by the accused persons, case in counter was registered in Cr.No.58 of 2022 against the defacto complainant party and the injured was discharged from the hospital. There is no previous cases pending against the petitioner. Considering the nature of offence, prays to dismiss the petition.

5. Considering the dispute between the parties, the injured was discharged from the hospital, that the petitioner is not having any previous case at his credit and 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 District Munsif cum Judicial Magistrate, Peraiyur, Madurai District, 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 Annanagar Police Station, Madurai District, 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 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/-

28/10/2022

/ TRUE COPY /

/11/2022

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



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAIYUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE INSPECTOR OF POLICE
VILOOR POLICE STATION, MADURAI DISTRICT.

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

Copy to:

THE INSPECTOR OF POLICE,
ANNANAGAR POLICE STATION, MADURAI DISTRICT.

+1. CC to M/S.VAIYADURAI V Advocate SR.No.12080

ORDER

IN

CRL OP(MD) No.17436 of 2022

Date :28/10/2022

SS/GB/SAR I/03/11/2022/ 3P 7C