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

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.17687 of 2022

Karthikeyan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(In Crime No.558 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Senthil.D, Advocate.

For Respondent : K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

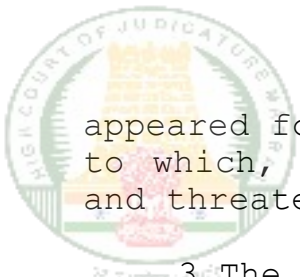
PRAYER :-

For Anticipatory Bail in Crime No.558 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341 and 506(i) of IPC, in Crime No.558 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant entered the rental agreement with the petitioner and on that basis they are running the business. On 12.09.2022, the petitioner locked the premises and on that basis a complaint was lodged and the police registered a case against the petitioner and the respondent police called for the petitioner for enquiry and the petitioner not



appeared for enquiry and opened the door of the rental premises, due to which, on 13.09.2022, the accused persons came to the premises and threatened the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4. The learned Government Advocate(crl.side) appearing for the respondent police submitted that there is a dispute with regard to the tenancy between the parties and investigation is almost completed.

5. Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner and also the fact that this is a civil dispute, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 on every Saturday at 5.30 p.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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]**.



[f] if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
06/10/2022

/ TRUE COPY /

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

btr/cp

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,
THIRUVAIYARU.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUVAIYRU POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SENTHIL.D Advocate SR.No.11105

ORDER
IN
CRL OP(MD) No.17687 of 2022
Date :06/10/2022