



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

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PRESENT

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

CRL OP(MD). No.17693 of 2022

Karthikeyan,

... Petitioner/ Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(In Cr No.554/2022).

... Respondent/Complainant

For Petitioner : Mr.D.Senthil.D,Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.554/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 447 and 506(ii) of IPC @ 294(B), 341, 447, 506(ii) of IPC r/w 25(I)B(a), 27(1) of Arms Act, in Crime No.554 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute pending between the parties with regard to tenancy, due to which, on 12.09.2022, at the time of vacating the premises, the accused persons came to the premises and locked the premises and not allowed the defacto complainant to take his belongings and also threatened him by using pistol. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there is a dispute with regard to the tenancy pending between the parties and investigation is still pending.

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5. Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 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 **once in a week i.e., on every Saturday at 5.30 p.m.**, for a period of four weeks, and thereafter, as and when required for interrogation.

(d) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

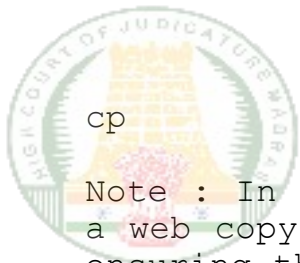
sd/-

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



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
THIRUVAIYARU 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.11104(I)

ORDER

IN

CRL OP(MD) No.17693 of 2022

Date :06/10/2022

PKP/GB/SAR /10.10.2022/3P/6C