

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.17776 of 2022

Saruk Hasan @ Sharuhan

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
(Crime No.677 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Surliraja. P,
Advocate.

For Respondent : M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.677 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), 324, 307 and 506(ii) of IPC, in Crime No.677 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 27.06.2022, the defacto complainant's father had passed away. Due to delay in taking the dead body, a quarrel arose between the parties and the petitioner and other accused attacked the defacto complainant's son with iron rod and abused him and also threatened the defacto complainant and his son with dire consequence. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to the aforesaid occurrence, a case in counter has been registered against the defacto complainant and others in Crime No.678 of 2022.

4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that the injured has been discharged from the hospital and it is a case and case in counter.

5. Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, 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 District Munsif cum Judicial Magistrate Court, Papanasam, Thanjavur District 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhaar card or bank pass book to ensure his identity.

[b] while executing the sureties, the petitioner shall deposit a sum of Rs.10,000/- (Rupees Five Thousand only) to the credit of Crime No.677 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court. On such deposit being made, the defacto complainant is permitted to withdraw the same in accordance with law.

[c] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of three months 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]**.

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

sd/-
06/10/2022

/ TRUE COPY /

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

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
AMMAPET POLICIE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SURLIRAJA, Advocate (SR-10982[I] dated 06/10/2022)

ORDER
IN
CRL OP(MD) No.17776 of 2022
Date :06/10/2022

BTR/CP
USK/SBN/SAR-I/12.10.2022/3P/6C