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CRL OP(MD). N



22

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.17870 of 2022

Ramachandran

... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
(Crime No.107 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Balaji.A,
Advocate.

For Respondent : MR.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.107 of 2022 on the file of the respondent Police.

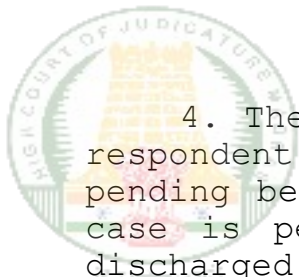
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 307 of IPC r/w 25(1)(a) of Arms Act, 1959, in Crime No.107 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that there was a matrimonial dispute between the petitioner and the defacto complainant's family, due to which, On 19.09.2022, the petitioner abused his wife in filthy language and she left from his home. When the same was questioned, a wordy quarrel arose between the parties. Suddenly, the petitioner took the air gun and suited the defacto complainant and he was sustained injury. 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

<https://www.mhjc.in/cases>



4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that there is a matrimonial dispute pending between the parties. He further submitted that no previous case is pending against the petitioner and the injured has been discharged from the hospital.

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5. Considering the facts and circumstances of the case and also the facts that the injured has been discharged from the hospital and the petitioner is not having any bad antecedents, 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, Karaikudi 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] the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of two months 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.

sd/-

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
KUNDRAKUDI POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-11049[I] dated 07/10/2022)

ORDER

IN

CRL OP(MD) No.17870 of 2022

Date :06/10/2022

btr/cp

MK/GB/SAR.II/11.10.2022/3P/6C