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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.17849 of 2022

Manojkumar

... Petitioner/Sole Accused

Vs

State rep.by
The Sub Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.399 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Shankar Ganesh. R, Advocate.

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

For Intervenor : Mr.S.M.Mohan Gandhi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 399 of 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), 323, 448 and 506(ii) of IPC, in Crime No.399 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous dispute, on 28.09.2022, the petitioner abused the defacto complainant in filthy language, attacked him and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that due to previous motive, a false case has been foisted against the petitioner and he is an innocent person and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.side) appearing for the respondent police submitted that no one sustained injury in this occurrence and there is no previous case pending against the petitioner.

5.The learned counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the facts that no one sustained injury in this occurrence and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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, Periyakulam, Theni 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 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 Wednesday at 10.30 a.m.,** for a period of six 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]**; and;



(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

/10/2022
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,
PERIYAKULAM, THENI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SHANKAR GANESH. R Advocate SR.No.11086

ORDER
IN
CRL OP(MD) No.17849 of 2022
Date :06/10/2022