



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18280 of 2022

Bharathiraja,

... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
(Crime No. 198 of 2022).

... Respondent/Complainant

For Petitioner : Mr.A.Marthandavarman, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

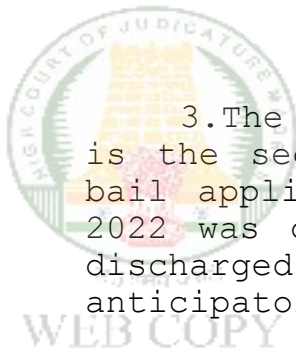
PRAYER :-

For Anticipatory Bail in Crime No. 198 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 offences punishable under Sections 294(b), 307 and 506(ii) of IPC, in Cr.No.198 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working in a hotel at Pondicherry. He came to his native for the purpose of temple festival. During the temple festival, on 09.09.2022, when the defacto complainant was chatting with his friends, the petitioner came there and picked up quarrel with the defacto complainant by stating that they have teased him. He abused the defacto complainant in filthy language and also attacked him with knife on his neck with an intention to murder him. But, the same was prevented by him. In that process, he has sustained injury on his right shoulder and



3.The learned counsel for the petitioner would submit that this is the second anticipatory bail application. Earlier anticipatory bail application filed by the petitioner in Crl.OP(MD)No.16644 of 2022 was dismissed by this Court, on 16.09.2022. The injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate(Crl.Side) strongly opposed this petition stating that the petitioner is having three previous cases. Out of which, one is 302 IPC case and the investigation is not yet completed.

5.Considering the nature of charges levelled against the petitioner and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : **SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate Court, Thirumangalam, Madurai District.

7.On production of such receipt, 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 Court, Thirumangalam, Madurai District, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/10/2022

/ TRUE COPY /

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

DSS

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
THIRUMANGALAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI PKM , PERIYAKULAM.

ORDER
IN
CRL OP(MD) No.18280 of 2022
Date :14/10/2022

PKP/BUC/SAR-2/26.10.2022/3P/6C