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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

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

CRL OP(MD). No.18159 of 2022

Muruganantham

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Town Police Station,
Pudukkottai,
Pudukkottai District.
(In Crime No.392/2022).

... Respondent/Complainant

Karikalan

... Petitioner/Intervener

For Petitioner : M/s.Balaji A, Advocate.
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)
For Intervenor : Mr.T.Palanisamy, Advocate.

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

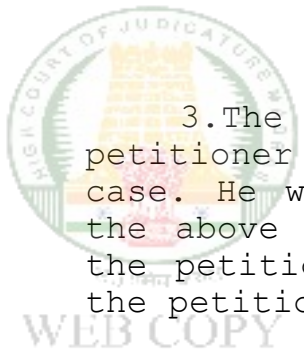
PRAYER :-

For Anticipatory Bail in Crime No.392/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323 and 506(ii) of IPC, in Cr.No.392 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 07.10.2022, at about 05.30 p.m, the defacto complainant went to the Economic Offences Wing, Pudukkottai, for interrogation, on the basis of the complaint given by the petitioner. After that, he was returning back to his friend office near Municipal Counsel Office. At that time, at the instigation of the petitioner (A6), A1 to A5 said to have abused the defacto complainant in filthy language and also attacked him with knife. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that no one has sustained injury in the above said occurrence and no previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor would submit that the petitioner along with other accused person attacked the defacto complainant with an intention to murder him. If he is released on bail, he will try to murder him with the help of henchman. Hence, he opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.Side) would submit that totally 6 accused are involved in this case. The petitioner was arrayed as A6. No one has sustained injury in the above said occurrence and no bad antecedent is reported against the petitioner. Investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

6.Considering the facts and circumstance of the case and also considering the fact that no one has sustained injury and no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Pudukkottai, 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 respondent Police or to the Police Officer, who intends to arrest or 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;

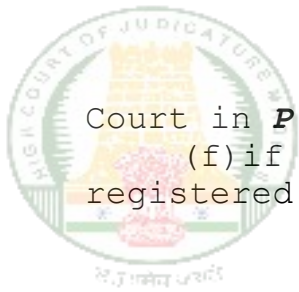
(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(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

<https://www.mca.gov.in/> 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/10/2022

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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 JUDICIAL MAGISTRATE NO.I, PUDUKKOTTAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, TOWN POLICE STATION, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-11331[I] dated 13/10/2022)

ORDER

IN

CRL OP(MD) No.18159 of 2022

Date :13/10/2022

DSS

RS/SBN/SAR.2 (14.10.2022) 3P-6C