



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.19610 of 2022

Moorthi

... Petitioner/4th Accused

Vs

The State Rep. By,
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.332 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Appadurai K, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.332 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 323, 324 & 506(2) IPC, in Crime No.332 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity with regard to sharing the salary, there was a wordy quarrel between the defacto complainant and the accused. Over which, the accused persons said to have assaulted the defacto complainant with iron rod and stick and also caused injury to him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second anticipatory bail application. Earlier application filed by the petitioners along with other accused in Crl.OP(MD) NO.17253 of 2022 was dismissed by this Court, on 27.09.2022. He would further submit that it is a case and case in counter. The injured was discharged from the hospital and the co-accused were already released on bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.Side) would submit that totally 8 accused are involved in this case. The petitioners are arrayed as A4. It is a case and case in counter. The injured was discharged from the hospital. The petitioner is having 3 previous cases. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter, the injured was discharged from the hospital and the co-accused were released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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, Nilakottai, 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 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/-

07/11/2022

/ TRUE COPY /

/11/2022

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

ORDER

IN

CRL OP(MD) No.19610 of 2022

Date : 07/11/2022

dss

USK/SSS/SAR-IV/18.11.2022/3P/5C