



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

Date : 17/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.18401 of 2022

WEB COPY

Stephen

... Petitioner/Accused No.1

Vs.

The State rep.by,
The Inspector of Police,
Natchiyarpuram Police Station,
Thanjavur District.
Crime No. 685/2022.

... Respondent/Complainant

For Petitioner : M/s. Vilma Remy V, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 685 of 2022 on the file of the respondent Police.

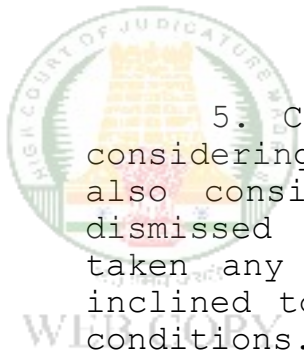
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 452, 506(ii) I.P.C, in Crime No.685 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 31.08.2022, the defacto complainant was assaulted by the accused persons with wooden log, thereby, he sustained injuries. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and he has not committed any such offence, as alleged by the prosecution. Only due to a civil dispute, a false case was foisted against the petitioner. The injured was already discharged. The petitioner is not having any bad antecedent and prayed the petitioner to be released on anticipatory bail.

4. On the side of prosecution, it is stated that co-accused is still in custody. A2 is detained under the Goondas Act. The victim was discharged on 05.09.2022 and the petitioner is not having any previous case at his credit and prayed the petition to be dismissed.



5. Considering the facts and circumstances of the case and considering the fact that the petitioner has no bad antecedents and also considering the fact that though the earlier petition was dismissed by this Court on 12.09.2022, the prosecution has not taken any steps to arrest the petitioner so far, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of his 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 No.II, Kumbakonam, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

[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 thereafter absconds, a FIR can be registered under Section 229-A IPC.

sd/-
17/10/2022

/ TRUE COPY /

/10/2022

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

LS



TO

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
NATCHIYARPURAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.V.VILMA REXY, Advocate (SR-11496[I] dated 17/10/2022)

ORDER

IN

CRL OP(MD) No.18401 of 2022

Date :17/10/2022

RK/SSS/SAR-1(20/10/2022) 3P/6C