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CRL OP(MD).N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.18487 of 2022

Aswin @ Aswin Babu

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District,
in Cr.No.314 of 2022.

... Respondent/Complainant

For Petitioners : Mr.M.Laxmi Mahendraa, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.314 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC, in Crime No.314 of 2022, seek anticipatory bail.

2.The allegation against the petitioner is that the petitioner was having one side love with the sister of the defacto complainant, who was studying in 10th standard and the same was questioned by the defacto complainant. On 10.08.2022, at about 9.00 pm, the petitioner went to the defacto complainant and abused the defacto complainant in filthy language and assaulted him with sickle and also threatened him with dire consequences. A case in Crime No.314 of 2022, was registered against the petitioner.

3.On the side of the petitioner, it is stated that the petitioner is no way connected with the case. The petitioner and the defacto complainant's sister love each other. Only on the



instruction of the sister of the defacto complainant, the petitioner went there. The injured was discharged from the hospital and pray the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the petitioner is having one side love with the sister of the defacto complainant, who was studying 10th standard. The petitioner caused multiple injuries and the defacto complainant took treatment for a period of one month as inpatient, for the head injury and then he was discharged from the hospital. The earlier bail petition was dismissed on 19.09.2022. There is no change of circumstances and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the case and considering the fact that though the earlier petition was dismissed on 19.09.2022, till now the respondent has not taken any steps to arrest the petitioner, this Court is inclined to release the petitioner on anticipatory bail on the following conditions:

6. 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 Court, Valliyur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioners 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 petitioners shall reside at Karur and sign before the Karur Town Police Station daily twice at 10.30 a.m., until further order. The petitioner is restrained to approach or disturb the defacto complainant or his family members in any way.

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

[d] the petitioners 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 petitioners 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 fresh FIR can be registered under Section 229-A IPC.

sd/-

18/10/2022

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/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.18487 of 2022

Date :18/10/2022

PNN

RS/VR/SAR.2 (27.10.2022) 3P-5C