



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

Date : 19/10/2022

PRESENT

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

CRL OP(MD) .No.18743 of 2022

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Raj

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
(Crime No. 127 of 2022)

... Respondent/Complainant

For Petitioner : Mr.B.Sathesh Kumar,
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.127 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), 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Cr.No.127 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the de-facto complainant was standing in front of her house, there was a wordy quarrel between them, in which, the petitioner scolded the de-facto complainant in filthy language and attacked her with stone and caused head injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital. The petitioner is a habitual offender and he is having six previous cases, which are similar in nature. Hence, he strongly opposed to grant bail.



5. Considering the facts and circumstances of the case, so considering the fact that the injured was discharged from the hospital, 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 No.I, Srivilliputhur**, 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 **Rajapalayam North Police Station** 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/-

19/10/2022

(*) **AMENDED as per order of this Court dated 18/11/2022 in CRL MP (MD) No.14185/2022 in CRL OP(MD) No.18743/2022.**

Time is extended for further two weeks for executing sureties, from the date of receipt of a copy of the amended order.

/ TRUE COPY /

/12/2022

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



TO

TO BE SUBSTITUTED WITH THE ORDER DATED 19/10/2022 ALREADY DESPATCHED.

WEB COPY

1 THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE, SRIVILLIPUTHUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE,
KOOMAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM.

ORDER

IN

CRL OP(MD) No.18743 of 2022

Date :19/10/2022

VSD

RS/VR/SAR.2(01.11.2022) 3P-6C

CP

USK/VR/SAR-II/07.12.2022/3P/7C