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CRL OP(MD).N



22

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.18741 of 2022

Karuppasamy,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
(Crime No.78 of 2022)

... Respondent/Complainant

For Petitioner : Mr.T.Indrachithu, 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.78 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 294(b), 452, 324, 506(ii) of IPC r/w Section 4 of TNPHW Act, 2002, in Crime No.78 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the de-facto complainant, on 28.06.2022, when the de-facto complainant was entering her home, the petitioner and other accused attacked her with knife and caused injuries on the wrist, back side of the body and abused her in filthy language and issued a life threat to the de-facto complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that A2 was already arrested and released on bail by the learned Principal District Judge, Srivilliputhur, Virudhunagar District. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the injured was discharged from the hospital and A2 was already arrested and released on bail. The petitioner is having one previous case. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been released on bail and 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.1, Virudhunagar, Virudhunagar District, 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 **Mukkulam 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 FIF registered under Section 229-A IPC.

sd/-
19/10/2022

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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 NO.I,
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
MALLANGINAR POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE
MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

ORDER
IN
CRL OP(MD) No.18741 of 2022
Date :19/10/2022

vsd
PKP/SSS/SAR-1/31.10.2022/3P/6C