



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD) . No.19144 of 2022

Suriya @ Jeya Suriya

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.284/2022)

... Respondent/Complainant

For Petitioner : M/s.Kannan R, Advocate.

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

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

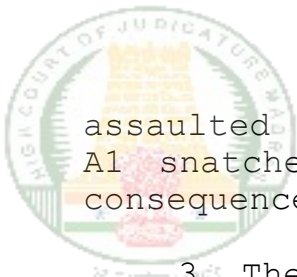
PRAYER :-

For Anticipatory Bail in Crime No.284 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 379 (N.P) and 506(2) of IPC, in Crime No.284 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and his friends went to a vacant site belongs to one Dinesh situated in Seetharam Doss Nagar by using torchlight in the cellphone. At that time, A1 and A2 came there by two wheeler and made a wordy quarrel with them and they abused the defacto complainant and his friends in filthy language. Subsequently, A1 made a phone call to other accused and A3 to A6 came to the occurrence place and



assaulted the defacto complainant with hands and wooden stick and A1 snatched the gold chain and also threatened their with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a college student. The defacto complainant and his friends only abused the accused and assaulted by using wooden stick. The defacto complainant's mother is working as a Sub Inspector of Police at AWPS Andipatti. By using influence, a false case has been registered against the petitioner. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, the petitioner shall abide any condition imposed by this Court and he may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that injured has been discharged from the hospital and the co-accused were already granted anticipatory bail by this Court. He would further submit that the petitioner is having two previous case and there is a specific overt act against the petitioner and the investigation is not yet completed. Hence, he strongly opposed for grant of bail.

5. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the injured has been discharged from the hospital and the co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

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, Andipatti, Theni 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 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 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
28/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CP

TO

1. THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KANNAN R Advocate SR.No.12135

ORDER
IN
CRL OP(MD) No.19144 of 2022
Date :28/10/2022