



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/11/2022
PRESENT

WEB COPY

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

CRL OP(MD) . No.19532 of 2022

M.Muthukumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thazhamuthunagar Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.353/2022).

... Respondent/Complainant

For Petitioner : M/s.Pragalathan N,
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. 353 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 and 506(ii) of IPC, in Cr.No.353 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother-in-law of the petitioner. He married her elder daughter and having one child. The petitioner's wife and daughter were missing and a case was registered in Crime No.330 of 2022 under the caption of 'Women Missing". In such circumstances, the petitioner went to the house of the defacto complainant and enquired the whereabouts of his wife and daughter and attacked her with knife. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit this is the second anticipatory bail application. Earlier anticipatory bail application filed by the petitioner in Crl.OP(MD)No.18697 of 2022 was dismissed by this Court on 19.10.2022 on the ground that the injured was in hospital. Now,



the injured was discharged from the hospital. Hence, he is granted anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. However, the petitioner is having 1 previous case and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also 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 Court No.2, Thoothukudi, Thoothukudi 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 respondent Police or to the Police Officer, who intends to arrest or 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 respondent police 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/-

07/11/2022

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/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.2,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
THAZHAMUTHUNAGAR POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.PRAGALATHAN N Advocate SR.No.12572

ORDER

IN

CRL OP(MD) No.19532 of 2022

Date :07/11/2022

DSS

SA/VR/SAR.3/16.11.2022/3P/6C