



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19696 of 2022

WEB COPY

(*)Subbaia Pandi @ Selvam @ Subbaiah Pandian

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City,
Tirunelveli District.
Crime No.369 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Sukumar.V., 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 Cr No.369/2022 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) and 307 IPC in Crime No.369 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the while the defacto complainant was trying to drop garbage adjacent to the petitioner's land, the petitioner had driven Bolero car as against the defacto complainant and caused injury to her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant's family cheated the petitioner's money Rs.80,00,000/- from the petitioner. With an intention to escape from repayment, the defacto complainant gave the complainant. Hence, the learned counsel prays for anticipatory bail to this petitioner.

4.The learned Government Advocate (criminal side) would submit that this is the second anticipatory bail application and in this case, injured was discharged from the hospital. Considering the nature of offence, he strongly opposed to grant anticipatory 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.V, Tirunelveli, 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 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 Special court/concerned court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall stay at Madurai and report before the Mattuthavani 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 Special Court/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 Special Court/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/-

08/11/2022

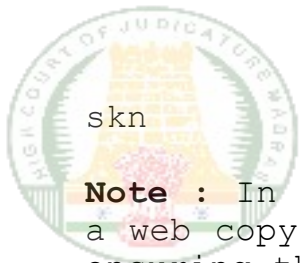
(*) Amended as per order of the Court dated 30/11/2022 in CrI.MP (MD).14777/2022 in CrI.OP (MD).19696/2022.

Further time is extended by two weeks from the date of receipt of a copy of this order.

/ TRUE COPY /

/12/2022

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



skn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION,
MADURAI.

ORDER
IN
CRL OP(MD) No.19696 of 2022
Date : 08/11/2022

RK/TR/SAR-3 (17/11/2022) 3P/7C
dss
SA/SSS/SAR.4/08.12.2022/3P/6C