



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

Date : 01/11/2022

PRESENT

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

CRL OP(MD). No.19284 of 2022

Ayyanar, ... Petitioner/Sole Accused
Vs
State Rep.by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Tirumangalam,
Madurai District.
Cr No.237/2022. ... Respondent/Complainant

For Petitioner : Mr.N.Sathish Babu,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 Cr No.237/2022 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
447, 323 and 506(ii) IPC, in Cr.No.237 of 2022, seeks anticipatory
bail.

2.The case of the prosecution is that due to family dispute
between the parties, the petitioner trespassed into the de-facto
complainant's house and attacked him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is the husband of the de-facto complainant's daughter and
due to difference of opinion, the petitioner filed a divorce
petition against his wife before the learned Sub Judge, Tirumangalam
in H.M.O.P.No.249 of 2022 and the same is still pending. In order
to wreck vengeance, the present complaint has been foisted against
him. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that
the petitioner has been treated as outpatient and no previous case is



pending against the petitioner. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has been treated as outpatient and also the fact that the petitioner is not having any bad antecedents, 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, Tirumangalam, 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 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.

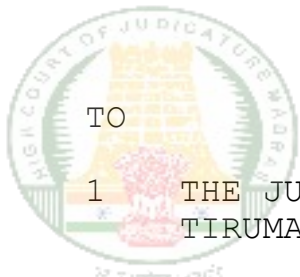
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
TIRUMANGALAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUMANGALAM TALUK POLICE STATION,
TIRUMANGALAM, MADURAI DISTRICT.

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

+1 CC to M/s.N.SATHISH BABU, Advocate (SR-12387[I] dated 03/11/2022

ORDER

IN

CRL OP(MD) No.19284 of 2022

Date :01/11/2022

sj i

PKP/VR/SAR-2/09.11.2022/3P/6C