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

Date : 04/11/2022

PRESENT

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

CRL OP(MD) . No.19452 of 2022

Santhanakumar

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District,
(Crime No.191/2022).

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.191/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 379 and 506(i) of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that on 24.10.2022, when the defacto complainant went for shopping, he came across some bad words chanting by the accused persons near Suba Ilakiya store, Perali. The defacto complainant intervened the accused persons and requested them to act in a proper manner stating that there are women around them, due to which, a quarrel arose between them. Subsequently, the



accused persons scolded the defacto complainant in filthy language and assaulted him. In the aforesaid occurrence, the defacto complainant's gold chain was found missing. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner did not commit any offence as alleged by the prosecution and the petitioner shall abide any condition imposed by this Court. Hence he may be granted anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the co-accused was arrested and thereafter released on bail and the injured has already been discharged from the hospital. He would further submit that the petitioner is having one previous case and the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the facts that the injured has already been discharged from the hospital and the co-accused was already released on bail, 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 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, Virudhunagar, 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.

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Sd/-
04/11/2022

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

cp

TO

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

+1. CC to M/S.CHANDRASEKAR R Advocate SR.No.12545

ORDER
IN
CRL OP(MD) No.19452 of 2022
Date :04/11/2022

SP/BUC/SAR IV/17/11/2022/3P/6C