



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.19558 of 2022

Selvam @ Selvakumar

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
(Crime No.416 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian N,
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 Crime No.416 of 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 324,
379 of IPC @ 323, 324, 307 of IPC, in Crime No.416 of 2022, seeks
anticipatory bail.

2. The case of the prosecution is that due to previous motive,
on 27.07.2022, there was a wordy quarrel arose between the parties
and the accused persons assaulted the defacto complainant's son with
wooden logs and fled from the scene of crime. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this
is the second anticipatory bail application. The petitioner is an
innocent person and he did not commit any offence as alleged by the
prosecution. He would further submit that due to previous motive,
this case has been foisted against the petitioner and the co-



accused was arrested and thereafter, released on bail and he may be granted anticipatory bail.

4.The learned Government Advocate(crl.side) appearing for the respondent police would submit that the injured has already been discharged from the hospital and the co-accused was arrested and thereafter, released on bail. He would further submit that 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 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, Pattukottai, 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 Inspector of Police, Orathanadu Police Station, Thanjavur District, 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/-

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,
PATTUKOTTAI.

WEB COPY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
PATTUKOTTAI TALUK POLICE STATION, THANJAVUR DISTRICT

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

Copy to:

THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION, THANJAVUR DISTRICT.

+1. CC to M/S.BALASUBRAMANIAN N Advocate SR.No.12594

ORDER

IN

CRL OP(MD) No.19558 of 2022

Date :07/11/2022

SS/SSS/SAR II/17.11.2022/ 3P/ 7C