



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

PRESENT

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

CRL OP(MD). No.19539 of 2022

Regankumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.586 of 2022

... Respondent/Complainant

For Petitioner : M/s.Jinnah S M A, 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.586 of 2022 on the file of the Respondent Police.

[Crime number and offences amended vide order dated 22.11.2022 in Crl.M.P.(MD)No.14421 of 2022]

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), 352 and 506(i) in Cr.No.586 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the brother-in-law of the petitioner. There is a dispute between the petitioner and his second wife and the matrimonial proceeding is pending before the Court of law, the petitioner living separately from the de-facto complainant's sister. Subsequently, on 11.12.2022, when the de-facto complainant came to the tea shop at Tenkasi new bus stand, some unknown persons came there and assaulted the de-facto complainant at the instigation of this petitioner. Hence, the



3.The learned counsel for the petitioner would submit that due to enmity, a false case was foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the counter case in Crime No.347 of 2022 is pending against the de-facto complainant.

4.The learned Government Advocate(Crl.Side) would submit that there are three accused involved in this case and the petitioner is arrayed as A1. A2 was already arrested and still in judicial custody and A3 was absconding. Due to matrimonial dispute between the petitioner and the de-facto complainant's sister, the accused persons attacked the de-facto complainant and caused injuries to him. The injured has been treated as outpatient. The petitioner is a history sheeted rowdy element and there are eight previous cases registered against him, out of which, one case was already disposed of. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has been treated as outpatient, 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, Tenkasi, 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 Inspector of Police, Puliangudi Police Station, Puliangudi, Tenkasi District, 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 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/-

22/11/2022

/ TRUE COPY /

/12/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
PULIANGUDI, TENKASI DISTRICT.

ORDER

IN

CRL OP(MD) No.19539 of 2022

Date : 22/11/2022

RK/SSS/SAR-3 (02/12/2022) 3P/6C