



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.19698 of 2022

K.Kutralam

... Petitioner/ Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District
(In Crime No.128 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Malaikani S,
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.128 of 2022 on the file of the Respondent Police

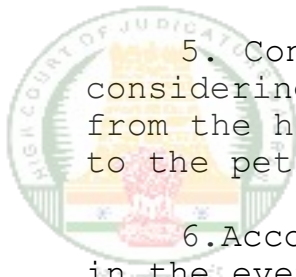
ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPHW Act, in Crime No.128 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity with regard to maintenance of cattle, on 27.09.2022, the petitioner attacked the defacto complainant and threatened with dire consequences. 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. Hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is having 13 previous cases and in this case, injured has already been discharged from the hospital.



5. Considering the facts and circumstances of the case, so considering the fact that the injured has already been 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 Additional Mahila Court, Srivilliputhur, 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 Court 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 Sivakasi and report before the Sivakasi Town 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/-

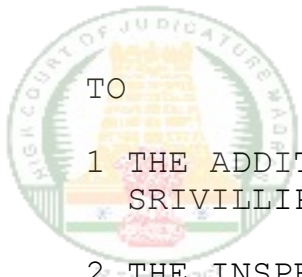
08/11/2022

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

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 ADDITIONAL MAHILA JUDGE,
SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
KOOMAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

COPY TO
THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
SIVAKASI.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-12656[I] dated 09/11/2022)

ORDER

IN

CRL OP(MD) No.19698 of 2022

Date :08/11/2022

SKN

MK/BUC/SAR 2/17.11.2022/3P/6C