



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

Date : 24/11/2022

PRESENT

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

CRL OP(MD)No.20755 of 2022

Subbaiah

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
Thirupparankundram Police Station,
Madurai City.
(Crime No.466 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Praburamachandran R,
Advocate

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

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

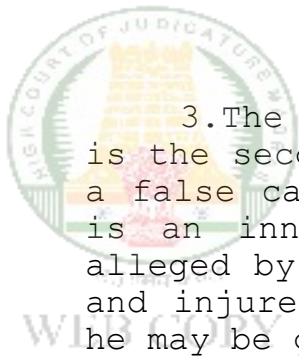
PRAYER :-

For Anticipatory Bail in Crime No.466 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 452,
294(b), 323 and 307 of IPC, in Crime No.466 of 2022, seeks
anticipatory bail.

2. The case of the prosecution is that the petitioner's son
Rajkumar proposed his love with one Pavithra, who is the daughter of
the defacto complainant, due to which, the defacto complainant's
wife went to the petitioner's house and warned them not to disturb
her daughter. Thereafter, the petitioner and other accused made
quarrel with the defacto complainant's son and after that, the
accused persons came to the defacto complainant's house, abused the
defacto complainant and others in filthy languages, attacked them
and also criminally threatened them with dire consequences. Hence,
the complaint.



3.The learned counsel for the petitioner would submit that this is the second anticipatory bail application. Due to previous enmity, a false case was foisted against the petitioner and the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, A1 & A2 were released on bail and injured has already been discharged from the hospital. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate(crl.side) appearing for the respondent police would submit that petitioner's son had continuously followed the defacto complainant's daughter and compelled to love him. He would further submit that A1 & A2 were arrested and thereafter, released on bail and injured has been discharged from the hospital. Further, investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the injured has been discharged from the hospital and co-accused were 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 No.VI, Madurai, 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 the Inspector of Police, Thirupuvanam Police station, Sivagangai 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 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/-
24/11/2022

/ TRUE COPY /

/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPARANKUNDRAM POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :
THE INSPECTOR OF POLICE,
THIRUPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

+1 CC to M/s.R.PRABURAMACHANDRAN, Advocate (SR-13636[I] dated 24/11/2022)

ORDER
IN
CRL OP(MD) No.20755 of 2022
Date :24/11/2022

cp
USK/BUC/SAR-IV/07.12.2022/3P/7C