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

Date : 09/11/2022

PRESENT

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

CRL OP (MD) . No.19828 of 2022

Kumaresan

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Ayakudi Police Station,
Dindigul District.
(Crime No.235/2022).

... Respondent/Complainant

For Petitioner : M/s.Venkatesh D, 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.235/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) I.P.C and Section 92(b) of Disability Act, 2016, in Crime No.235 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was dispute between the husband/accused and the defacto complainant/wife, over which, on 28.10.2022 at 8.15 AM, the petitioner trespassed into the house of the defacto complainant, abused the defacto complainant and assaulted her. Hence, the complaint.



3. On the side of petitioner, it is stated that the petitioner is an innocent and no way connected with the offence. There was family dispute between the parties, over which, a false case was foisted against him. He is noway connected with the offence. Hence, prays to release the petitioner on anticipatory bail.

4. On the side of prosecution, it is stated that the injured was discharged from the hospital and that the petitioner is not having any bad antecedent to his credit. However, he strongly opposed to grant anticipatory bail.

5. Considering the family dispute between the parties, considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate, Palani, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10:30 am and 5:30pm until further orders;

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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]; and;



(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
09/11/2022

/11/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

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

+1. CC to M/S.VENKATESH D Advocate SR.No.12758

ORDER
IN
CRL OP(MD) No.19828 of 2022
Date :09/11/2022

SP/SSS/SAR III/22/11/2022/3P/6C