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CRL OP(MD). N



22

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

Date : 14/11/2022

PRESENT

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

CRL OP(MD). No.20107 of 2022

Seenivasan @ Seeni

... Petitioner/Accused No.2

Vs

The State represented by  
The Inspector of Police,  
Thoothukudi South Police Station,  
Thoothukudi District.  
Crime No.592 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Mano Kumar M,  
Advocate.

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

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

PRAYER :-

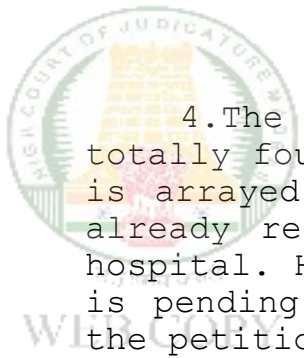
For Anticipatory Bail in Crime No.592 of 2022 on the file of  
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / accused, who apprehends arrest at the hands of  
the respondent police for the offences punishable under Sections  
341, 294(b), 352, 427 and 506(ii) IPC in Crime.No. 592 of 2022,  
seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the  
petitioner and other accused have attacked the defacto complainant  
and also abused him in filthy language and also damaged the bike.  
Hence, the complaint.

3. The learned counsel for the petitioner would submit that the  
name of the petitioner is innocent and he has not committed any  
offence as alleged by the prosecution and his name has been falsely  
implicated in this case and seeks anticipatory bail.



4.The learned Government Advocate(Crl.Side) would submit at totally four accused involved in this case and the petitioner herein is arrayed as A2 and he would further submit that A1 and A3 have already released on bail and the injured was discharged from the hospital. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been released on bail and that the injured was 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 Judicial Magistrate No.I, Thoothukudi District, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East, **(Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, Madurai)** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

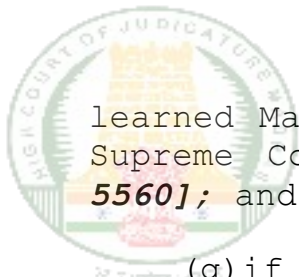
(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall appear before the respondent police daily at 10.30 am until further orders.

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-

14/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,  
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE  
THOOTHUKUDI SOUTH POLICE STATION,  
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:

THE HEADMASTER,  
PANCHAYAT UNION PRIMARY SCHOOL, OTHAKADAI,  
MADURAI EAST.

ORDER

IN

CRL OP(MD) No.20107 of 2022

Date :14/11/2022

SS/SSS/SAR III/23/11/2022/ 3P 6C