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

Date : 17/11/2022

PRESENT

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

CRL OP (MD) . No.20328 of 2022

Srinath

... Petitioner/Accused-1

Vs

State rep.by
The Inspector of Police,
Thiruppunavasal Police Station,
Pudukkottai District.
(Crime No.52/2022).

... Respondent/Complainant

For Petitioner : M/s.Prasanna 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.52/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b) and 307 IPC, in Cr.No.52 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there is a property dispute pending between the parties, due to which, on 05.10.2022 at about 10.30 hrs, A3 intercepted the de-facto complainant and scolded him in filthy language, A2 and A3 caught hold of the de-facto complainant and the petitioner attacked the de-facto complainant by using aruval on his ear. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the de-facto complainant and the petitioner are close relatives and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A2 and A3 were already granted bail by the Sessions Judge, Pudukkottai. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and the petitioner is having three previous cases. He would further submit that three witnesses have been examined and the investigation is still pending. 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 was already discharged from the hospital and also the facts that A2 and A3 were already granted bail and three witnesses have been examined sofar, this Court is inclined to grant anticipatory bail to the petitioners 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, Aranthangi, 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 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, Aranthangi Police Station, Pudukkottai 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
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/11/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THIRUPPUNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
 4. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.PRASANNA R Advocate SR.No.13256

ORDER
IN
CRL OP(MD) No.20328 of 2022
Date :17/11/2022

SP/VR/SAR I/25/11/2022/3P/7C

<https://www.mhc.tn.gov.in/judis>