



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

Date : 21/11/2022

PRESENT

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

CRL OP(MD). No.20379 of 2022

WEB COPY

Balan

... Petitioner/Sole Accused

Vs

1. The State Rep. By,
The Inspector of Police,
Thillinagar Police Station,
Trichy District.
Crime No.785 of 2022.

... Respondent/Complainant

2. P.Vinoth

... Petitioner/Intervener/
Defacto Complainant
CRL MP(MD) No.14359/2022 in
CRL OP(MD) No.20379/2022

For Petitioner : M/s.Ramsundarvijayraj S,
Advocate.

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

For Intervenor : Mr.M.Mithun, Advocate.

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

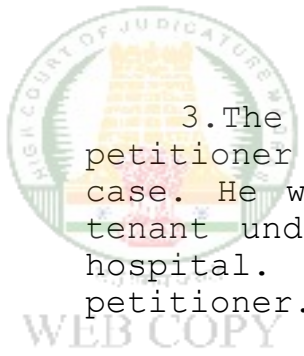
PRAYER :-

For Anticipatory Bail in Crime No.785 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 294
(b), 324 and 506(ii) of IPC, in Cr.No.785 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner is having
a shopping complex. The defacto complainant is the tenant under the
petitioner. The defacto complainant restricted other persons from
entering into the tenancy. Over which, there was enmity between
them. On 11.11.2022, the petitioner along with other accused said to
have abused the defacto complainant in filthy language and also
assaulted him with hands and scissor and caused injury. Hence, the
complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the defacto complainant is the tenant under the petitioner. The injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that totally 5 accused are involved in this case. 2 named accused and 3 unnamed accused. The petitioner was arrayed as A1. Due to tenancy dispute, trouble arose between the parties. The injured was discharged from the hospital. However, the investigation is pending. Hence, 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 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.IV, Trichy, 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 **Manapparai Police Station, Trichy 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.

sd/-
21/11/2022

WEB COPY

/ TRUE COPY /

/11/2022

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 JUDICIAL MAGISTRATE NO.IV,
TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THILLINAGAR POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-13467[I] dated 22/11/2022)

ORDER
IN
CRL OP(MD) No.20379 of 2022
Date :21/11/2022

dss
USK/SSS/SAR-II/29.11.2022/3P/7C