



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20499 of 2022

Krishnasamy @ Kittan ... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
(Crime No.593/2022).

... Respondent/Complainant

For Petitioner : M/s.Adithya Vijayalayan.N,
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.593/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) IPC, in Cr.No.593 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute between the parties, due to which, on 11.11.2022 at about 10.00 a.m., the de-facto complainant came to the petitioner's property with survey notice, at that time, the petitioner had beaten the de-facto complainant with bricks, abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to property dispute pending between the parties, a false case was



foisted against the petitioner and the petitioner is innocent. He has not committed any offence as alleged by the prosecution. He would further submit that a counter case in Crime No.594 of 2022 is pending against the de-facto complainant.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. The petitioner is having fifteen previous cases and six witnesses have been examined and the investigation in this case is not yet completed. 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 the counter case in Crime No.594 of 2022 is pending against the de-facto complainant and six witnesses have been examined sofar, 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, Oddanchatram, 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police 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 FIF registered under Section 229-A IPC.

sd/-
18/11/2022

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/11/2022

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

SJI

TO

1. The Judicial Magistrate, Oddanchatram.
 2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
 3. The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.D.VENKATESH, Advocate (SR-13362[I] dated 21/11/2022)

ORDER
IN
CRL OP(MD) No.20499 of 2022
Date :18/11/2022

RK/SSS/SAR-I(28/11/2022) 3P 6C