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

Date : 23/11/2022

PRESENT

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

CRL OP (MD) . No.20695 of 2022

Ashok @ Ashok Kumar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
(Crime No.148 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Shobana.M, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.148 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 285, 286, 324 and 506(i) of IPC, in Crime No.148 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Assistant Platoon Commender of the respondent police station. On 08.11.2022, while he went for the police protection of the temple festival at Kommappatty bus stand, the accused made a wordy quarrel with him, when he said not to disturb the public and abused the defacto complainant in filthy language and also attacked him. Hence, the complainant.



3.The learned counsel for the petitioner would submit that the respondents police threatened the accused not to participate in the temple festival. Based on that, a wordy quarrel arose between them. He would further submit that in order to harass the petitioner, a false case has been registered against the petitioner. He is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate(crl.side) appearing for the respondent police would submit that the injured was treated as out-patient and the petitioner is having two previous cases. He would further submit that in this case, seven witnesses have been examined and investigation is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was treated as out-patient and seven witnesses have been examined so far, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on 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, Srivilliputhur, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent Police daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with the 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
23/11/2022

/12/2022

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

cp

TO

1. THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
KOOMAPATTY POLICE STATION,
VIRUDUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.SHOBANA M Advocate SR.No.13554

ORDER
IN
CRL OP(MD) No.20695 of 2022
Date :23/11/2022

SP/BUC/SAR I/05/12/2022/3P/6C