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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

PRESENT

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

CRL OP(MD). No.20757 of 2022

Gurumani

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
Crime No. 574 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Murali Kumar A,
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. 574 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 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Cr.No.574 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties with regarding to watching film, the petitioner along with other accused said to have waylaid the defacto complainant and brutally attacked him and caused injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this

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



case. He would further submit that 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 7 accused are involved in this case. The petitioner is arrayed as A1. The petitioner is having 4 previous case and he is a history sheeted rowdy. Absconding Charge Sheet was filed on 10.02.2022 and the same was not yet taken on file. The injured was discharged from the hospital. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and charge sheet was filed before the concerned Court, 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, Devakottai, 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 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 FIR can be registered under Section 229-A IPC.

sd/-
24/11/2022

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

DSS

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, DEVAKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MURALI KUMAR, Advocate (SR-13788[I] dated
25/11/2022)

ORDER
IN
CRL OP(MD) No.20757 of 2022
Date : 24/11/2022

RK/VR/SAR-3 (02/12/2022) 3P/6C