



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.20735 of 2022

WEB COPY

Manikkumar

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No.519/2022.

... Respondent/Complainant

For Petitioner : M/s.Sivakumar S,
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.519 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 Crime No.519 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the defacto complainant's elder sister's son and the petitioner is working as a driver in the Transport Corporation and his wife is working in Police Department. The petitioner and his wife were living separately and by assuming that the defacto complainant behind for that, on 27.09.2022, while he was talking in front of his house, the petitioner came and uttered filthy words and attacked with a small knife, due to that, he has sustained injury in his hand. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. However, the petitioner shall abide any condition imposed by this Court. 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 twelve previous cases. Further, considering the gravity of the offence and investigation in this case is not yet completed, 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, 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, Tenkasi, 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.

sd/-
23/11/2022

/ TRUE COPY /

/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
TENKASI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-13510[I] dated 23/11/2022)

ORDER
IN
CRL OP(MD) No.20735 of 2022
Date :23/11/2022

cp
USK/SSS/SAR-II/05.12.2022/3P/6C