



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/11/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.20776 of 2022

P.Marichamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Sankarankoil Town Police Station,
Tenkasi District.
Crime No. 470 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Malaikani 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. 470 of 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.470 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a fried chicken shop in hand cart. On 23.10.2022, at about 10.00 p.m, the petitioner came to his shop, ordered fried chicken and ate. Thereafter, he tried to move away from that place without paying amount. When the amount was demanded, the petitioner abused him in filthy language and poured boiling oil on him and suffered burn injuries on his legs. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that after eating the fried chicken, he paid the amount. But, since the defacto



complainant was in a drunken mode, again, he demanded money from the petitioner. Because of that, there was some wordy altercation. Suddenly, he poured the boiling oil, which was in his possession, on the petitioner. In the attempted to avoid, he also sustained injury. Now, the injured was discharged from the hospital and no previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital and no previous case is pending against the petitioner. He would further submit that the investigation is not yet completed. Hence, 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 no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners 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, Sankarankoil**, 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

(*) Amended as per order of the Court dated 25/01/2023 in CRL MP(MD) No.1223 AND 1225 of 2023 in CRL OP (MD) No.20776 OF 2022.

(*) Time is extended for a period of two weeks from the date of receipt of amended copy of this order.

/ TRUE COPY /

/12/2022

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

TO BE SUBSTITUTED WITH THE ORDER DATED 24/11/2022 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE,
SANKARANKOIL.

2 THE JUDICIAL MAGISTRATE,
TENKASI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
SANKARANKOIL TOWN POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S.MALAIKANI S Advocate SR.No.13662

**ORDER
IN**

CRL OP(MD) No.20776 of 2022
Date :24/11/2022

DSS

SA/VR/SAR.3/05.12.2022/3P/6C

SS/MMS/SAR 1/02/02/2023/ 3P 7C

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