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CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

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

CRL OP(MD). No.21011 of 2022

Kasimayan ... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Jeyamangalam Police Station,
Theni District
(Crime No.206 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,
Advocate.

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

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

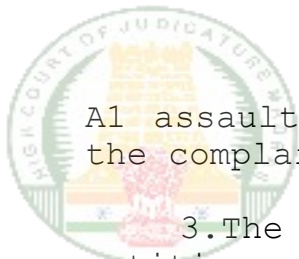
PRAYER :-

For Anticipatory Bail in Crime No.206 of 2022 the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 307 and 506(i) IPC, in Cr.No.206 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, namely, Thattian is living along with his brother's wife namely, Shanthi and the said Shanthi have two children, namely, Abinaya and Logesh. In the year 2021, the said Abinaya was married with A1. Out of the wedlock, the said Abinaya delivered a baby recently. While being so, A1 came to his house and asked the de-facto complainant to send his wife Abinaya with him. When the de-facto complainant refused the same, there was a wordy quarrel between them, due to which, the petitioner along with



A1 assaulted him with wooden log and caused injury to him, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A1 was already arrested and release on bail by this Court, dated 24.11.2022 in Crl.O.P.(MD)No.20805 of 2022. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally two accused involved in this case and the petitioner is arrayed A2, who is the father of A1. The injured was discharged from the hospital. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail to the petitioner.

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 fact that A1 was already released on bail, 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, Periyakulam, 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 Inspector of Police, Usilampatti Taluk Police Station, Madurai 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/-
28/11/2022

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/12/2022

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

SJI

TO

1. The Judicial Magistrate, Periyakulam.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
4. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.21011 of 2022
Date :28/11/2022

RD/BUC/SAR-II(08/12/2022) 3P 6C