



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

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PRESENT

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

CRL OP(MD). No.21241 of 2022

Sankar @ Sangaralingam

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
K.Pudupatty Police Station,
K.Pudupatty,
Pudukkottai District.
Crime No.168 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Maniyarasu K.C., 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.168 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 307 IPC, in Cr.No.168 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 05.10.2022 around 05.00 p.m., while the de-facto complainant was discussing with his allies nearby Selvavinayagar Temple, the petitioner along with two other unknown persons came there and attacked the de-facto complainant with aruval. since the de-facto complainant evaded the attack, his friend one Ayyavu had sustained injury in his right hand. Further, the petitioner scolded the de-facto complainant in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to enmity, a false case was foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail



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4.The learned Government Advocate(Crl.Side) would submit that the injured was already discharged from the hospital. The petitioner was having 14 previous cases, out of which, four cases are pending. Five witnesses were examined in this case and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and five witnesses have been examined so far, 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, Thirumayam, 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 Inspector of Police, Pudukkottai Town Police Station, Pudukkottai District, 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/-

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



TO

1 THE JUDICIAL MAGISTRATE, THIRUMAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, K.PUDUPATTY POLICE STATION, K.PUDUPATTY,
PUDUKKOTTAI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE,
PUDUKKOTTAI TOWN POLICE STATION,
PUDUKKOTTAI DISTRICT.

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-14148[I] dated 01/12/2022)

ORDER

IN

CRL OP(MD) No.21241 of 2022

Date :01/12/2022

SJI

RS/VR/SAR.2(15.12.2022) 3P-7C