



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/12/2022

PRESENT

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

CRL OP(MD). No.21285 of 2022

Murugan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Vikramasingapuram Police Station,
Tirunelveli District.
(Crime No.359/2022).

... Respondent/Complainant

For Petitioner : M/s.Sasikumar V, Advocate.

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

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

PRAYER :-

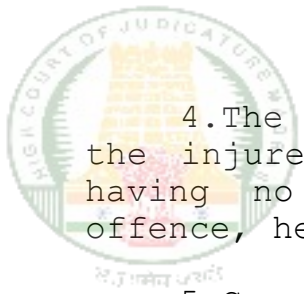
For Anticipatory Bail in Crime No.359/2022 on the file of the Respondent Police.

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), 342, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Cr.No.359 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute between parties, on 20.11.2022, there was a wordy quarrel arose between them, in which, the petitioner along with other accused abused the defacto complainant in filthy language and attacked him also caused injuries to him. Hence the complaint.

3.The learned counsel for the petitioner would submit that due to civil dispute pending between the parties, a false case was foisted against the petitioner and the petitioner is innocents and he has not committed any offence as alleged by the prosecution. He would further submit that A2 to A4 were already granted anticipatory bail by this Court, dated 28.11.2022 in Cr1.O.P.(MD)No.20793 of 2022. Hence, he prays for anticipatory bail.



4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital. The petitioner is having no previous case. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the petitioner is not having any bad antecedents, 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 his 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, Ambasamudram, Tirunelveli District, 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 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/-

01/12/2022

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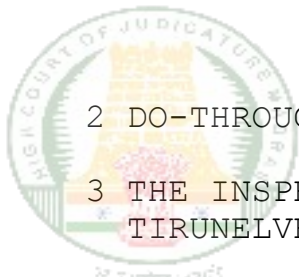
/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM, TIRUNELVELI DISTRICT.

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



2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
3 THE INSPECTOR OF POLICE, VIKRAMASINGAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-14230[I] dated 02/12/2022)

ORDER

IN

CRL OP(MD) No.21285 of 2022

Date :01/12/2022

SJI

RS/VR/SAR.1(20.12.2022) 3P-6C