



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21270 of 2022

C.Manikandan

... Petitioner/Accused No.2

Vs

The State Rep.by  
The Inspector of Police,  
Thirupparankundram Police Station,  
Madurai.  
(Crime No.520 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Thanushiya N,  
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.520 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

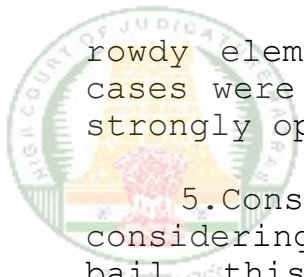
The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) of IPC and 25(1)(a) of Arms Act, in Cr.No.520 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with A1 carried a long sword and caused nuisance to the public. Hence, 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 released on bail. 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 as A2 in this case. The petitioner is a history sheeted

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



rowdy element and was having 10 previous cases, out of 8 cases were already disposed of and two cases are pending. He is strongly opposed to grant anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also considering the fact that A1 was already arrested and 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 Court No.VI, Madurai, 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 concerned Court 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

/ TRUE COPY /

/12/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.VI,  
MADURAI.

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

3 THE INSPECTOR OF POLICE  
THIRUPPARANKUNDRAM POLICE STATION, MADURAI

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

+1 CC to M/s.N.THANUSHIYA, Advocate ( SR-14114[I] dated 01/12/2022 )

ORDER  
IN  
CRL OP(MD) No.21270 of 2022  
Date :01/12/2022

sj i  
MK/SSS/SAR 2/19.12.2022/3P/6C