



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.21277 of 2022

Palani @ Palani Kumar

... Petitioner/Accused No.4

Vs

The State Rep.by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.652 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Veerakumar T,
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.652 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

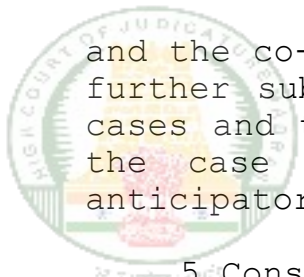
The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 427 and 506(ii) IPC and 379(NH) IPC in Cr.No.652 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioner herein and the other accused have attacked the defacto complainant and taken a sum of Rs.25,0000/- from him and also damaged his bike worth Rs.5,000/- . 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 and his name has been falsely implicated in this case and seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally five accused involved in this case and the petitioner herein is arrayed as A1 and the injured was discharged from the hospital

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



and the co-accused was released on bail by the Court below. The petitioner would further submit that the petitioner herein is having three cases and two witnesses have been examined and the investigation of the case is pending and hence, 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 discharged from the hospital and that two witnesses have been examined and that the co-accused 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 No.II, Ramanthapuram, Ramanathapuram 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 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 is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Headmaster, Panchayat Union Primary School, Othakadai, Madurai East, **(Account No:-10111536270, IFSC Code:- SBIN0002246, State Bank of India, Othakadai, Madurai)** without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



(g)if the accused thereafter absconds, a fresh FIF 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.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.II
RAMANATHAPURAM DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL,
OTHAKADAI,
MADURAI EAST.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-14102[I] dated 01/12/2022)

ORDER
IN
CRL OP(MD) No.21277 of 2022
Date :01/12/2022

TRP
MK/VR/SAR IV/08.12.2022/3P/7C