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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21346 of 2022

Mohan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.422 of 2022.

... Respondent/Complainant

B.Tamilselvi

... Intervening Petitioner/Defacto Complainant
in CRL MP(MD).15347/2022 in CRL OP(MD).21346/2022

For Petitioner : M/s.Arunraj K, Advocate
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)
For Intervener : Mr.K.Dinesh, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.422 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 447, 294(b), 324, 506(ii) I.P.C, in Crime No.422 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant, is that due to a quarrel between the family members, the petitioner had assaulted the defacto complainant with aruval, due to which, she sustained injury. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the the petitioner and the defacto complainant are close relatives and that an incident happened during a quarrel has been exaggerated and a false complaint has been given. The petitioner is ready to abide



any stringent condition. Hence, prays to release the petitioner on anticipatory bail.

4.Today, the learned counsel for the petitioner paid Rs.20,000/- to the learned counsel for the intervener, towards the medical expenses of the defacto complainant.

5.The learned Government Advocate (Crl.Side) submitted that the petitioner attempted to assault the defacto complainant with an aruval, in which, the victim sustained injury in her right palm. Though the injured was discharged from the hospital, the investigation is not yet completed. Hence, prays to dismiss the petition.

6.The learned counsel for the intervener prays to dismiss the petition.

7.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

8.Taking into consideration the facts and circumstances of the case and considering the fact that the incident was occurred during a quarrel between the defacto complainant and the victim, who are close relatives and also considering the payment made by the petitioner, towards the medical expenses of the victim, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, this Criminal Original Petition is allowed and 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, Natham**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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/ petitioner 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, NATHAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, NATHAM POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.ARUNRAJ K, Advocate (SR-14896[I] dated 15/12/2022)

ORDER

IN

CRL OP(MD) No.21346 of 2022

Date :14/12/2022

RS/VR/SAR.3(26.12.2022) 3P-6C