



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21498 of 2022

WEB COPY

S.Murali Ragavendhar

...Petitioner /Accused No.1

-vs-

The Inspector of Police,
Chinnamanur Police Station,
Theni District.

(Cr.No.513 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Cr.No.513 of 2022 on the file of the respondent Police.

For Petitioner

: Mr.A.Joseph Jerry, Advocate

For R1

: Mr.K.Sanjai Gandhi

Government Advocate (Crl.side)

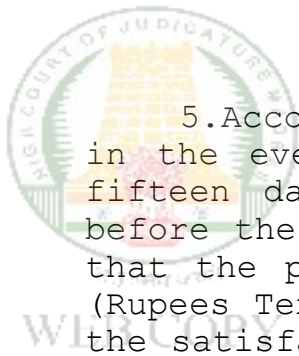
O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **(*)147, 148, 294(B), 427, 506(ii) and 380 of IPC** in Crime No.513 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/accused trespassed into the bar, in which the de-facto complainant is the Manager, and asked the de-facto complainant to give free alcohol. When the same was refused by the de-facto complainant, the petitioner/accused attacked the de-facto complainant with damaged alcohol bottles and had taken two boxes of alcohol bottles worth about Rs.1,20,000/-. Hence, the complaint.

3.The learned Counsel for the Petitioner would submit that this is a second application for anticipatory bail. He would further submit that the earlier application was dismissed on 10.11.2022. He would further submit that the de-facto complainant, who is the Manager of Bar, was supplying spurious liquor and when it was questioned by the petitioner, a false case complaint has been given against him. He would submit that without verifying the CCTV footage, the case has been registered. Hence, he prays to grant anticipatory bail to the petitioner.

4.Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Uthamapalayam**, 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 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., 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

05/12/2022

(*) Amended as per order of the Court dated 10/01/2023 in Crl.MP (MD).441 of 2023 in Crl.OP(MD). 21498/2022.

Further Time granted by this Court to comply with the condition imposed vide order dated 05.12.2022 in Crl.OP(MD)No.21498 of 2022 is extended for a period of two weeks from the date of receipt of amended copy of this order.

/ TRUE COPY /

/01/2023

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



CMR
TO

TO BE SUBSTITUED WITH THE ORDER DATED 05/12/2022 ALREADY DESPATCHED

1.THE JUDICIAL MAGISTRATE, UTHAMAPALAYM.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3.THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP (MD) No.21498 of 2022

Date :05/12/2022

RK/VR/SAR-3 (09/12/2022) 3P/6C

CMR

SA/SSS/SAR.1/24.01.2023/3P/5C