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

Date : 07/12/2022

PRESENT

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

CRL OP(MD) . No.21636 of 2022

Karthik ... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Mayanur Police Station,
Karur District.
(Crime No.365 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Kannan.V, 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. 365 of 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 offence punishable under Sections 294(b), 342, 324 and 506(ii) IPC in Crime No.365 Of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on account of dispute regarding the parking of bike in front of the house of the de-facto complainant, the petitioner along with other accused have assaulted the de-facto complainant with wooden log and knife resulting in him sustaining injuries. Hence, the complainant.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the main accused has been arrested and released on bail and the injured has also been discharged from the hospital. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that there was a wordy quarrel between the parties regarding the parking of bike in front of the de-facto complainant house, the petitioner along with other accused attacked the de-facto complainant with wooden log and knife resulting in him sustaining injuries and he opposed for grant of anticipatory bail. However, he would also submit that the injured has been discharged from the hospital.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions made by both the counsels and the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Krishnarayapuram, Karur District, on condition that the petitioner shall execute 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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.

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Sd/-
07/12/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE,
KRISHNARAYAPURAM, KARUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
MAYANUR POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. KANNAN.V Advocate SR.No.14470

ORDER
IN
CRL OP(MD) No.21636 of 2022
Date :07/12/2022

SP/SSS/SAR I/14/12/2022/3P/6C