



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

PRESENT

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

CRL.O.P (MD) No.21860 of 2022

Vijayakumar

... Petitioner/Accused No.5

-vs-

The State represented by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(in Cr.No.447 of 2021).

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.447 of 2021.

For Petitioner : Mr.T.Veerakumar
Advocate

For Respondent : Mr.P.Kottai Chamy
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 341, 294(b), 324, 279, 337 and 506(ii) IPC @ 341, 294(b), 326, 506(ii) and 307 IPC in Crime No.447 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Muralithasan, is that due to the matrimonial dispute, the petitioner along with other accused, abused him and with an intention to cause injury, had dashed the de-facto complainant and his relatives with a SUMO car causing grievous injury. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the name of the petitioner does not find a place in the FIR and on the complaint given by the second accused, one Veerakumar, a counter case in Cr.No.446 of 2021 has been registered against the first accused and his relative for the offence punishable under Sections 294(b), 323, 324, 427 and 506(ii) IPC.



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4.The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused, due to the matrimonial dispute, had dashed against the de-facto complainant and his family members with a SUMO car causing grievous injury and the it is a case and case in counter.

5.Taking into consideration the facts and circumstances of the case and on perusing the FIRs in Cr.Nos.446 and 447 of 2021, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Kamuthi, Ramanathapuram, 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., for a period of four weeks and thereafter, every Saturday 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]**.

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

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

3. THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.VEERAKUMAR.T, Advocate (SR-14676[I] dated 12/12/2022)

ORDER

IN

CRL OP(MD) No.21860 of 2022

Date :12/12/2022

cmr

USK/VR/SAR-III/28.12.2022/3P/6C