



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

PRESENT

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

CRL.O.P(MD)No.21703 of 2022



1.Nagarajan @ Nagaraj

2.Uma @ Uma Maheswari

...Petitioners / Accused Nos.1 & 2

-vs-

The State Rep.By
The Inspector of Police,
Vedasandur Police Station,
Dindigul District.
(Cr.No.326 of 2022)

...Respondent / Complainant

For Petitioners	:	Mr.R.Anand, Advocate.
For Respondent	:	Mr.M.Veeranthiran Government Advocate (Crl.side)

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.326 of 2022 on the file of the Respondent Police.

ORDER

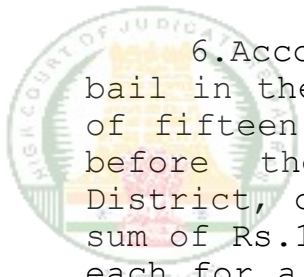
The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) IPC in Crime No.326 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Rajamohan, is that he is the assistant of an MLA and that while construction of bridge was going on, the accused had abused and assaulted him with iron rod causing injury and also intimidated him. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent and the de-facto complainant, who is an Assistant to an MLA, using his political influence, has given a false complaint and seeks anticipatory bail.

4.The learned Government Advocate (crl.side) would submit that the petitioners have assaulted the de-facto complainant with iron rod causing injury. He would further submit that the injured has already been discharged from the hospital.

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



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Vendasandur, Dindigul District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks, thereafter every Saturday at 10.30 am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

08/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

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

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

+1 CC to M/s.R.ANAND, Advocate (SR-14632[I] dated 09/12/2022)

ORDER IN

CRL OP(MD) No.21703 of 2022

Date :08/12/2022

cmr

MK/VR/SAR 3/16.12.2022/2P/6C