



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

PRESENT

WEB COPY

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

CRL.O.P (MD) No.21798 of 2022

Marimuthu

...Petitioner/Accused No.1

-vs-

State rep.by
The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
(in Crime No.129 of 2022)

...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.129 of 2022.

For Petitioner : Mr.C.M.Arumugam, Advocate

For Respondent : 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 294(b), 323, 324 and 506(ii) IPC and Section 4 of TNPHW Act in Crime No.129 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Vimala, is that the accused persons have went to the house of one Thirumalai in a drunken mode and damaged the vehicles belongs to him and the de-facto complainant was looking their activities from her house. On seeing the same, the accused persons abused her in filthy language, threatened her with dire consequence and assaulted her with wooden log and aruval. When the same was questioned by her son, they also abused and assaulted him. 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 injured has also been discharged from hospital and he would also submit that A2 and A3 were granted anticipatory bail by this Court, in Crl.O.P.(MD)No.19647 of 2022, dated 07.11.2022.

4.The learned Government Advocate (Crl.side) would submit that the petitioner and the other accused persons have abused and attacked the de-facto complainant and her son with aruval. He would also submit that the injured has been discharged from hospital and he would oppose to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case, 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 Court No.I, Sattur, Virudhunagar District, 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 two 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/-
14/12/2022

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/ TRUE COPY /

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

cmr

TO

1. THE JUDICIAL MAGISTRATE NO.I,
SATTUR, VIRUDHUNAGAR DISTRICT.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S. ARUMUGAM.C.M Advocate SR.No.14976

ORDER
IN
CRL OP(MD) No.21798 of 2022
Date :14/12/2022

SP/SSS/SAR I/20/12/2022/3P/6C