



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

PRESENT

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

CRL.O.P(MD)No.22260 of 2022

M.Swaminathan

...Petitioner / Accused No.1

-vs-

The State represented by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(in Crime No.332 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.332 of 2022.

For Petitioner : Mr.R.Karupiah, Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

ORDER

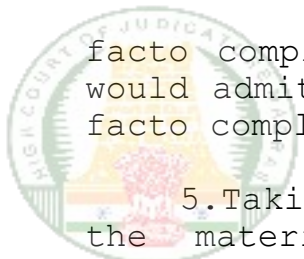
The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323 and 354(B) IPC in Crime No.332 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 22.11.2022, at about 09.30 am., the petitioner along with other accused person have abused the de-facto complainant in filthy language and assaulted her with wooden stick and the petitioner had shown his private part. 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 petitioner met with an accident and he was immobilised and on 22.11.2022, the petitioner who was bed ridden had gone out of the house and urinated and due to which, there was a quarrel. The de-facto complainant family members have assaulted the petitioner brutally and that he suffered injuries. The petitioner's mother, Meenakshi had given a complaint against the de-facto complainant and her family members. As a counter blast, the de-facto complainant has given a false complaint.

4.The learned Government Advocate (Crl.side) would submit that the petitioner and other accused have abused and attacked the de-

<https://www.mhc.tn.gov.in/judis>



facto complainant. He would object for grant of bail. However, he would admit that there is a counter case registered against the facto complainant and his family members in Cr.No.333 of 2022.



5. Taking into consideration the facts and submissions and also the materials available in record including the F.I.R.s in Cr.Nos.332 and 333 of 2022 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, Thiruppuvanam, 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 stay at Madurai and report before the Teppakulam Police Station everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limit for a period of one month.

[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/-
19/12/2022

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION, SIVAGANGAI DISTRICT

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

COPY TO:

THE INSPECTOR OF POLICE,
TEPPAKULAM POLICE STATION, MADURAI.

ORDER

IN

CRL OP (MD) No.22260 of 2022

Date :19/12/2022

cmr

MK/BUC/SAR 3/27.12.2022/3P/6C