



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.22376 of 2022

Booma Husband @ Sundaramoorthy

...Petitioner / 1st Accused

-vs-

The State represented by
The Sub Inspector of Police,
Mathichiyam Police Station, Mathichiyam,
Madurai City.

(in Cr.No.105 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.105 of 2022.

For Petitioner : Mr.M.Saravanan, Advocate.

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

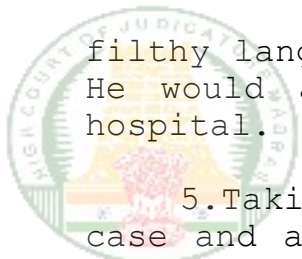
ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323, 324 and 506(i) of IPC and Section 4 of TNPHW Act in Crime No.105 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 12.03.2022 at about 09.45 a.m., the petitioner and other accused had entered into his house and abused him in filthy language and assaulted him and his daughter with wooden log and 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 it is a case and case in counter. On the complaint given by the petitioner's side, a case in Cr.No.104 of 2022 was registered against the de-facto complainant and his party. He would also submit that the injured has been discharged from hospital. He would further submit that both parties have compromised the issue.

4.The learned Government Advocate (Crl.side) would submit that on 12.03.2022 at about 09.45 a.m., the petitioner and other accused had entered into the de-facto complainant's house and abused him in



filthy language and assaulted him and his daughter with words. He would also submit that the injured has been discharged from hospital.



5. Taking into consideration the facts and submission of the case and also perusing the materials available on record including the F.I.R., 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 No. II, Madurai, 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 one week and thereafter, as and when required.

[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 NO.II
MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
MATHICHIYAM POLICE STATION, MATHICHIYAM,
MADURAI CITY.

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

+1 CC to M/s.SARAVANAN.M, Advocate (SR-15130[I] dated 20/12/2022)

ORDER

IN

CRL OP(MD) No.22376 of 2022

Date :19/12/2022

cmr

MK/BUC/SAR 3/28.12.2022/3P/6C