



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2022

PRESENT

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

CRL.O.P (MD) No.22535 of 2022

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Muthupandi

...Petitioner /Accused Rank Not Known

-vs-

The State represented by
The Inspector of Police,
Surandai Police Station,
Tenkasi District.
(in Cr.No.282 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.282 of 2022.

For Petitioner : Mr.T.Sugadev, Advocate

For Respondent : Mr.M.Veeranthiran
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 147, 294(b), 323, 307 and 506(ii) IPC in Crime No.282 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 due to a financial dispute regarding non payment of chit amount, A1, Ravi along with other accused have assaulted the de-facto complainant with hands and also kicked him on his private part resulting in him sustaining injuries 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 there was a financial dispute between A1 and the de-facto complainant. The de-facto complainant owes money to A1 and thereby, there was a quarrel and that a false complaint has been given, as if A1 along with the other accused attempted to commit murder of the de-facto complainant. He would also submit that the injured has been discharged from hospital and there is no previous case pending as against the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the petitioner is an associate of one Ravi, A1, who had financial dispute with the de-facto complainant and due to the same, on 13.12.2022, the accused have joined together in front of the shop of the de-facto complainant and assaulted him and also kicked him on his private part resulting in him sustaining injury. He would also submit that the arrested accused are still in custody. However, he would submit that the injured has been discharged from hospital.

5.Taking into consideration the facts and submissions and also on 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, Alangulam, Tenkasi 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/-
20/12/2022

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/ TRUE COPY /

/12/2022

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

CMR

TO

- 1.THE JUDICIAL MAGISTRATE, ALANGULAM, TENKASI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE,
SURANDAI POLICE STATION,
TENKASI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.SUGADEV T Advocate (SR-15175[I] dated 20/12/2022)

ORDER
IN
CRL OP(MD) No.22535 of 2022
Date :20/12/2022

RK/VR/SAR-2 (28/12/2022) 3P/6C