



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22998 of 2022

Kamalakannan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Alanganallur, Madurai District
(Crime No.329 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Rajeswari.A.S,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

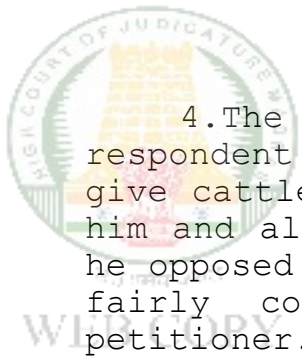
For Anticipatory Bail in Crime No.329 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324,379 and 506(ii) of IPC in Crime No.329 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 the defacto complainant is running a cattle feed shop and that the accused had sent two persons to purchase cattle feeds for credit and when the defacto complainant refused to give the cattle feed for credit the accused had abused him, assaulted him and also taken away cash of Rs.9700/- from the cash box. Hence the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that a case of financialdispute has been projected as a case of theft and now the amount has been repaid to the defacto complainant. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.Side) appearing as respondent would submit that when the defacto complainant refused to give cattle feeds for credit the accused had abused him, assaulted him and also taken away cash of Rs.9700/- from the cash box. Hence he opposed to grant anticipatory bail to the petitioner. However he fairly concedes that no previous case pending against the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration the facts and circumstances of the case and also the fact no previous case pending against the petitioner and also the fact that the amount has been repaid to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Vadipatti, Madurai 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.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 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 FII registered under Section 229A IPC.

sd/-
23/12/2022

/ TRUE COPY /

/01/2023

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

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AAV

TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALANGANALLUR, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.S.RAJESWARI, Advocate (SR-15598[I] dated
27/12/2022)

ORDER
IN
CRL OP(MD) No.22998 of 2022
Date :23/12/2022

RS/VR/SAR.1(04.01.2023) 3P-6C