



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/12/2022
PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD) . No.23237 of 2022

1. Sakthivel,

2. Piraveen @ Praveen, ... Petitioners/Accused No.1 & 2

Vs

The State rep.by
The Inspector of Police,
Thirugokarnam Police Station,
Thirugokarnam,
Pudukkottai District.
Cr.No.395/2022.

... Respondent/Complainant

For Petitioner : M/s. Maniyarasu.K.C,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

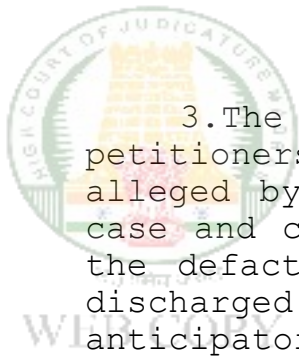
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 395/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(1) of Indian Penal Code, in Crime No.395 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are running a chicken shop in the premises of the defacto complainant's marriage hall. The defacto complainant informed the petitioners to vacate the shop in order to make renovation work. But, they refused to vacate the same. Due to that motive, on 24.12.2022, when the defacto complainant was carrying renovation works, the petitioners said to have abused the defacto complainant in filthy language and attacked him with their hands and caused injury. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case and case in counter. Counter case has been registered against the defacto complainant in Crime No.394 of 2022. The injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the first petitioner is having 1 previous case and the second petitioner is having 3 previous cases. Hence, he opposed to grant anticipatory bail to the petitioner. However, it is a case and case in counter and the injured was discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Pudukkottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only)each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners 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**



(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/12/2022

/ TRUE COPY /

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29/12/2022

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

DSS/IAS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
PUDUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION,
THIRUGOKARNAM,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. MANIYARASU.K.C Advocate SR.No.15663

ORDER

IN

CRL OP(MD) No.23237 of 2022

Date :28/12/2022

SA/BUC/SAR.3/29.12.2022/3P/6C