



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 28/12/2022

PRESENT

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

CRL OP(MD). No.23247 of 2022

K.Mani, ... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Thiruvegampathu Police Station,
Sivagangai District.
Cr.No. not known of 2022.

... Respondent/Complainant

For Petitioner : M/s.Manavalan K, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. not known of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 324 and 506(ii) I.P.C, in Crime No. not known of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant/father is that due to property dispute between the father and son/petitioner, on 22.12.2022, at about 02.30p.m., the petitioner assaulted his father with stick and also criminally intimidated with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him. The petitioner is the father of the defacto complainant. The injured was discharged from the hospital. Hence, the petitioner seeks release the petitioner on anticipatory bail.

<https://www.mhco.judis.gov.in/>



4.The learned Government Advocate (Crl.Side) submitted that though the injured was discharged from the hospital, there was a property dispute between the parties, on account of which, the occurrence took place. Hence, prays to dismiss the petition.

WEB COPY

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Devakottai**, 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 the 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]**; and;



[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/12/2022

WEB COPY

/ TRUE COPY /

29/12/2022

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

PNM/LR

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
DEVAKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUVEGAMPATHU POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.MANAVALAN, Advocate (SR-15622[I] dated 28/12/2022)

ORDER
IN
CRL OP(MD) No.23247 of 2022
Date :28/12/2022

PKP/GB/SAR-3/29.12.2022/3P/6C