



WEB COPY

CRL OP(MD). N



22

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.23250 of 2022

Kakka Muttai @ Kannan

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.416 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.Gandhi, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.416 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 447, 427, 506(2) and 307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.416 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there existed previous enmity between the parties, due to which, the petitioner along with other accused attacked the defacto complainant and abused him in filthy language and at that time, the first accused has taken away 16 sovereigns of gold jewels from the defacto complainant's sister and thereafter, the accused persons trespassed into the defacto complainant's house and damaged windows and doors worth about Rs.50,000/-. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the petitioner is not having any previous cases and that the injured was already discharged from the hospital. He would further submit that gold chain was also seized and later the case was altered by deleting the offence under Section 379 IPC.

5.Considering the above facts and circumstances and also the facts that the injured was already discharged from the hospital, 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Manamadurai, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily 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]**.

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

sd/-

28/12/2022

/ TRUE COPY /

29/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE, MANAMADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-15646[I] dated 28/12/2022)

+1 CC to M/s.R.GANDHI, Advocate (SR-15605[I] dated 28/12/2022)

ORDER

IN

CRL OP(MD) No.23250 of 2022

Date :28/12/2022

RS/BUC/SAR.1(29.12.2022) 3P-7C