



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

WEB COPY

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

CRL OP(MD). No.23306 of 2022

Periyakaruppan

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
K.Pudhupatti Police Station,
Pudukkottai District.
in Crime No. 208 of 2022.

... Respondent/Complainant

For Petitioner : Mr. Balaji.A,
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. 208 of 2022 on the file of the respondent police

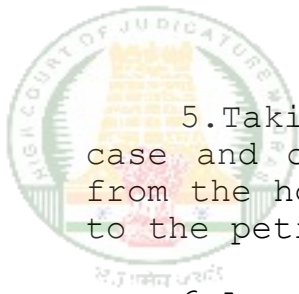
ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 324 of I.P.C., in Crime No.208 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was standing in front of his house, the accused persons attacked him with wooden log and abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are relatives and due to civil dispute, a false complaint has been lodged. Hence, he prayed for anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the injured is discharged from the hospital.



5. Taking into consideration the facts and circumstance of the case and considering the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Thirumayam**, 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 learned 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 as and when required for interrogation.

(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

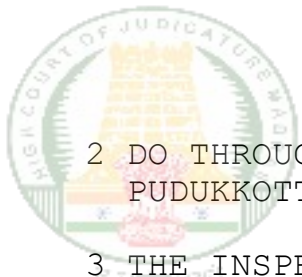
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29/12/2022

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

IAS
TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
K.PUDHUPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.23306 of 2022

Date :28/12/2022

SA/MMS/SAR.2/29.12.2022/3P/5C