



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.23332 of 2022

Pandi @ Pandi Thevar

... Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
Thatchanallur Police Station,
Tirunelveli City District
(Crime No.282 of 2022).

... Respondent/Complainant

For Petitioner : M/s.G.Anto Prince, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.282 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), 353, 307 and 506(2) IPC in Crime No.282 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons were running a Bar without licence. Further on 18.12.2022, the petitioner and other accused have alleged to have purchased liquor from the de-facto complainant on credit basis and on 19.12.2022, the accused persons have purchased liquor for a sum of Rs.6,510/-, but paid only Rs.4,950/-. Hence, a quarrel arose between them, the accused persons assaulted the de-facto complainant with deadly weapons and scolded him in filthy language and also restrained the de-facto complainant from performing his duty. Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) strongly opposed this petition stating that the petitioner and other accused were running a Bar without any valid license and also purchased liquor from the de-facto complainant for a sum of Rs.6,510/-, but paid only Rs.4,950/-. Hence, a quarrel arose between them, the accused persons assaulted the de-facto complainant with deadly weapons and scolded him in filthy language and also restrained the de-facto complainant from performing his duty. He would further submit that the petitioner is having no previous case.

5.Taking into consideration the facts and circumstances of the case and there is no bad antecedents against the petitioner, 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 on which the order copy made ready, before the learned Judicial Magistrate No.IV, Tirunelveli, on condition that the petitioner shall execute 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 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 daily 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 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 FII registered under Section 229A IPC.

sd/-
28/12/2022

/ TRUE COPY /

WEB COPY

29/12/2022

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

SJI/PNN

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE THATCHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23332 of 2022
Date :28/12/2022

RS/BUC/SAR.1(29.12.2022) 3P-5C