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CRL OP/ML



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.86 of 2023

C.Vijay,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Aravakuruchi Police Station,
Karur District.
(Crime No.431 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Mathiyalagan R, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.431 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353 and 506(i) IPC r/w Section 3 of PPDL Act in Crime No.431 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 25.12.2022 at about 05.00 p.m., the petitioner went to Aravakuruchi TASMACH shop to buy IMF liquor bottle, at that time, there was a wordy quarrel arose between the petitioner and the sales man of the wine shop, due to which, the petitioner damaged liquor bottle and glass panes in the showcase worth about Rs.10,000/-. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given against him. He would further submit that the TASMAC salesman had demanded extra amount and there was a quarrel and a false complaint has been given, as if, the petitioner has damaged the glass panes in the show case. He would further submit that without prejudice to his defence, the petitioner is ready and willing to deposit a sum of Rs.7,000/- (Rupees Seven Thousand only) to the credit of Crime No.431 of 2022 on the file of the District Munsif cum Judicial Magistrate, Aravakurichi. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the the petitioner went to Aravakurichi TASMAC shop to buy IMF liquor bottle, at that time, there was a wordy quarrel arose between the petitioner and the sales man of the wine shop, due to which, the petitioner damaged liquor bottle and window glass panes in the showcase worth about Rs.10,000/-. Hence, he opposed for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration the facts and the submissions and that the petitioner is ready and willing to deposit Rs.7,000/- to the credit of Crime No.431 of 2022 before the District Munsif cum Judicial Magistrate, Aravakurichi, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on anticipatory 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 District Munsif cum Judicial Magistrate, Aravakurichi, 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 deposit a sum of Rs.7,000/- (Rupees Seven Thousand only) to the credit of Crime No.431 of 2022 before the learned District Munsif cum Judicial Magistrate, Aravakurichi, without prejudice to his rights and contentions, at the time of furnishing sureties.



[c] the petitioner shall report before the responder every day at 10.30 a.m for a period of four weeks and thereafter, every Saturday at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

sd/-

04/01/2023

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

SJI

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,, ARAVAKURICHI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
ARAVAKURUCHI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

1 CC to M/s.MATHIYALAGAN R , Advocate (SR-177[I] dated 05/01/2023)

ORDER

IN

CRL OP(MD) No.86 of 2023

Date :04/01/2023