



WEB COPY

CRL OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

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

CRL OP(MD). No.130 of 2023

Muthukumar

... Petitioner/Accused No.3

Vs

The state rep. by
The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.
In Crime No.330 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Anantha Murugan S M, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

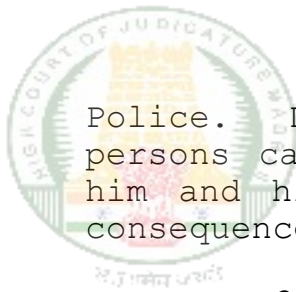
PRAYER :-

For Anticipatory Bail in Crime No.330 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 294(b), 342, 324, 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.330 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there was a previous enmity between the parties. On 23.09.2022, the first accused came to the laundry shop of the defacto complainant in an inebriated condition, in which, the complainant has lodged a complaint before the respondent



Police. Due to that on 24.09.2022 at about 03.45PM, the injured persons came to the shop of the defacto complainant and assaulted him and his wife with stones and also threatened them 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. Injured has been treated as out patient and the co-accused has been already released on bail. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the accused persons were abused and assaulted the defacto complainant and his wife, on account of earlier complaint given by the defacto complainant against them. In this case, the injured has been treated as out patient and the investigation is not yet completed. Hence, prays to dismiss the petition.

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 has been treated as out patient and also that the co-accused has been released on bail, 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, Sivakasi, Virudhunagar District**, 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:

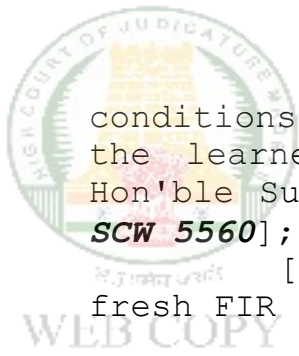
[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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 or 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/-

05/01/2023

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

PNM

TO

1. The Judicial Magistrate II,
Sivakasi,
Viruthunagar District.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District @ Srivilliputhur.
3. The Sub Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.ANANTHA MURUGAN S M Advocate SR.No.267(I)

ORDER

IN

CRL OP(MD) No.130 of 2023

Date :05/01/2023

VA/MMS/SAR-2/12.01.2023/3P/6C