



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

CRL.O.P(MD)No.597 of 2023

Selvakannan

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Karuppayurani Police Station,
Madurai District.
(in Cr.No.113 of 2022)

...Respondent/Complainant

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.113 of 2022.

For Petitioner : Mr.S.Raja Manickam, Advocate

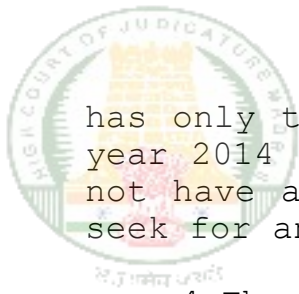
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 341, 323, 324 and 506(ii) of IPC in Cr.No.113 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to a money dispute, on 12.12.2022, the petitioner and other accused have abused the de-facto complainant's husband in filthy language and attacked him with beer bottle resulting in him sustaining injuries. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that this is the second petition for anticipatory bail and the earlier petition for anticipatory bail was dismissed on the ground that there are three previous cases in similar nature pending against the petitioner. He would submit that the petitioner



has only two previous cases and both the cases are relative to the year 2014 and 2017 and for the past five years, the petitioner does not have any previous case pending against him and hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that due to money dispute, on 12.12.2022, the petitioner and other accused have abused the de-facto complainant's husband in filthy language and attacked him with beer bottle resulting in him sustaining injuries. He would oppose for grant of anticipatory bail.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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.II, Madurai, 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., for a period of two weeks and thereafter, every Saturday at 10.30 am 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 FIR can be registered under Section 229A IPC.

sd/-
10/01/2023

/ TRUE COPY /

WEB COPY

/01/2023

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

CMR

TO

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

+1 CC to M/s.RAJA MANICKAM S, Advocate (SR-481[I] dated 10/01/2023)

ORDER
IN
CRL OP(MD) No.597 of 2023
Date :10/01/2023

PKP/MMS/SAR-3/23.01.2023/3P/6C