



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2023

PRESENT

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

CRL.O.P (MD) No.587 of 2023

WEB COPY

Rooban @ Balamurugan

...Petitioner /Accused No.2

-vs-

The State represented by
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(in Cr.No.316 of 2022)

...Respondent/Complainant

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.316 of 2022.

For Petitioner	: Mr.S.Selvakumar, 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 294(b), 324, 448, 427 and 506(ii) of IPC in Crime No.316 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 on 25.12.2022, the petitioner and other accused have illegally trespassed into the house of the de-facto complainant with deadly weapons, abused and attacked the de-facto complainant with hands resulted in her sustaining injuries. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a due to previous enmity, a false complaint has been given. He would also submit that it is a case and case in counter and on the basis of the complaint given by the petitioner's side, a case in Cr.No.317 of 2022 came to be registered against the de-facto complainant's side. He would further submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him.

4.The learned Government Advocate (Crl.side) would submit that on 25.12.2022, the petitioner and other accused have illegally



trespassed into the house of the de-facto complainant with weapons, abused and attacked the de-facto complainant with hands resulted in her sustaining injuries. He would also submit that it is a case and case in counter and he would oppose for grant of anticipatory bail to the petitioner.

WEB COPY

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.1, Srivaikundam, Thoothukudi 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., 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 /

/01/2023

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

cmr

<https://www.mhc.tn.gov.in/judis>



TO

1. THE JUDICIAL MAGISTRATE NO.1, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3. THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.SELVAKUMAR.S , Advocate (SR-613[I] dated 11/01/2023)

ORDER

IN

CRL OP (MD) No.587 of 2023

Date :10/01/2023

RK/BUC/SAR- 3(27/01/2023) 3P/6C