



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2023

PRESENT

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

CRL.O.P (MD)No.687 of 2023

WEB COPY

Shanmugasundaram

...Petitioner/Sole Accused

-vs-

State rep.by

The Inspector of Police,
Vengamedu Police Station,
Karur District.

(in Cr.No.348 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.348 of 2022.

For Petitioner : Mr.G.Mathavan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 506(i) IPC in Crime No.348 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 family dispute, the petitioner abused with filthy language, assaulted and intimidated the defacto complainant. 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 submit that the petitioner is working as Teacher and he may be permitted to appear before the respondent police at evening hours. He prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the defacto complainant is the brother-in-law of the petitioner and the petitioner had abused him with filthy language and attacked him with key and criminally intimidated him. Hence, he prays for dismissal of this application.



5. Heard. Perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 No1, Karur, Karur 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 5.30 p.m., for a period of two weeks and thereafter, every Saturday at 5.30 pm 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/-
11/01/2023

/ TRUE COPY /

/01/2023

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

CM



To

1. The Judicial Magistrate No1, Karur, Karur District

2. Do Through The Chief Judicial Magistrate, Karur.

3. The Inspector of Police,
Vengamedu Police Station,
Karur District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.MATHAVAN.G ---, Advocate (SR-687[I] dated 12/01/2023)

CRL.O.P(MD) No.687 of 2023
11.01.2023

TR/VR/SAR-I (24.01.2023) 3P 6C