



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/01/2023
PRESENT

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

CRL OP(MD) . No.861 of 2023

S.Raja

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Jeeyapuram Police Station,
Trichy District
(Crime No.271 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ganapathi Subramanian.P. Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

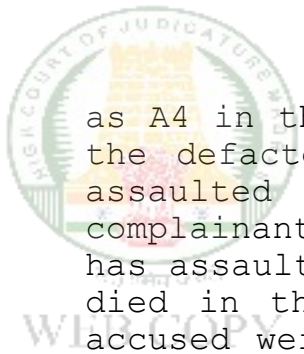
PRAYER :- For Anticipatory Bail in Crime No.271 of 2022 on the file of the respondent police

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 341, 294(b), 323, 324, 506(ii) I.P.C r/w Section 4 of TNPHW Act @ 341, 294(b), 323, 324, 302, 506(ii) IPC r/w 4 of TNPHW Act, in Crime No.271 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 on 02.11.2022 at about 09.30PM, due to money dispute, the accused persons have abused the defacto complainant, his wife and his mother in filthy language, assaulted them with hands, wooden logs. The accused Balasubramaniam has pushed down the defacto complainant's mother and accused Vanitha has trampled on her stomach and chest. The injured persons were taken to hospital for treatment as inpatient and later, the defacto complainant's mother died on 05.11.2022. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there was a money dispute between the parties, over which, a false complaint has been foisted against him. The petitioner is arrayed



as A4 in this case. It is alleged that the A1 to A3 have (ed the defacto complainant and other victims and this petitioner has assaulted one Durairaj, who was standing near the defacto complainant. Other than that, he has no other allegation that he has assaulted the deceased. The deceased is aged about 69 years and died in the hospital, after 4 days of the occurrence. The main accused were already enlarged on bail. The petitioner is ready to abide any stringent condition imposed by this Court. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that due to money dispute between the parties, the accused persons have abused and assaulted the defacto complainant and his family members, thereby, caused death of his mother. In this case, 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 overt act attributed as against the petitioner, 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, Additional Mahila Court, Trichy** 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 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 [(2 SCW 5560)]***; and;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
20/01/2023

*** Amended as per the order of the court dated 15/02/2023.**

Time is also extended further for a period of two weeks, from the date on which the order copy is made ready. Thereafter, no further extension will be given.

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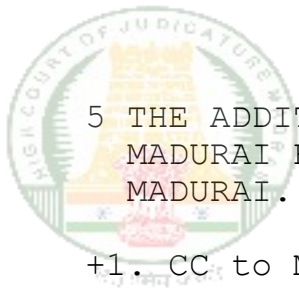
/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

To be Substituted to the order dated 20/01/2023 already despatched.

- 1 THE JUDICIAL MAGISTRATE,
SRIRENGAM, TRICHY DISTRICT.
- 2 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TRICHY.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.



CRL OP(MD)



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

+1. CC to M/S.GANAPATHI SUBRAMANIAN.P Advocate SR.No.907

+1. CC to M/S.GANAPATHI SUBRAMANIAN.P Advocate SR.No.2479

ORDER

IN

CRL OP(MD) No.861 of 2023

Date :20/01/2023

SA/SSS/SAR.1/31.01.2023/4P/6C
NA/MMS/SAR.1/08.03.2023/4P/8C