



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/01/2023
PRESENT

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

CRL OP(MD) . No.1112 of 2023

R.Karuppasamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Palaviduthi Police Station,
Karur District
(Crime No. 197 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Suresh.M,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

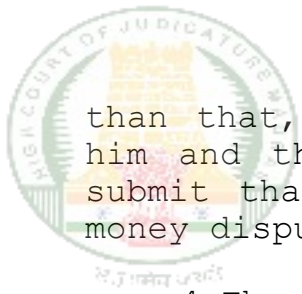
PRAYER :- For Anticipatory Bail in Crime No.197 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(2) of I.P.C., in Crime No.197 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on account of a quarrel between the parties regarding the cutting of Karuvellam trees, the petitioner attacked the de-facto complainant with aruval on his head. Hence, the case.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the earlier anticipatory bail application in Crl.O.P.(MD)No.23287 of 2022 was dismissed, vide order dated 02.01.2023 on the ground that there are two previous cases against the petitioner. He would further submit that one of the previous case is related to the year 2019 registered for the offence 506(2) IPC and the other offence is registered for not wearing the mask during Covid-19 Pandemic situation and other



than that, the petitioner does not have any previous case against him and the petitioner is not a rowdy element. He would further submit that the present case has been registered on account of a money dispute and hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that this is the second application for anticipatory bail and the earlier anticipatory bail application was dismissed on the ground it was represented by the learned Government Advocate (Crl. side) that there are two previous cases against the petitioner and he is a habitual offender and on verification it is found that one case was registered against the petitioner in Crime No.172 of 2019 for the offence under Sections 294(b), 324 and 506(ii) IPC and another case has been registered for violating Covid-19 protocol, other than that the petitioner has no previous case against him.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of 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 No.1, Karur, 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, daily at 10.30 a.m., 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].



CRL OP(MD).



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[f] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-
23/01/2023

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

SJI

TO

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

ORDER

IN

CRL OP(MD) No.1112 of 2023
Date :23/01/2023

SA/VR/SAR.4/30.01.2023/3P/5C