



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

PRESENT

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

CRL.O.P(MD)No.1202 of 2023

WEB COPY

Murugan

... Petitioner/Accused

-vs-

The State represented by
The Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District.
(in Cr.No.222 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.222 of 2022.

For Petitioner : Mr.B.Arun, Advocate

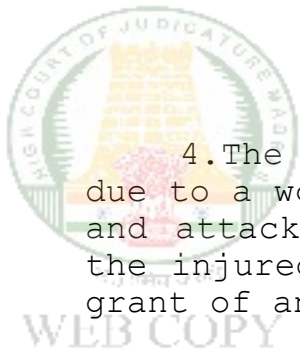
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 324, 506(i) and 427 of IPC and Section 4 of TNPHW Act in Crime No.222 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Chidradevi, is that on 18.12.2022 due to a wordy quarrel, the petitioner and other accused have abused the de-facto complainant in filthy language and also assaulted her. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that this is the second petition for anticipatory bail and this Court taking into consideration the previous cases, had dismissed the early petition. Now on verification, it has been found that the four previous cases are relating to MMDR Act and other than that, the petitioner does not have any previous case registered against him for the offences under the provisions of IPC and he would further submit that the injured has been discharged from hospital and this Court had earlier granted anticipatory bail to one Mathankumar, who is the accused in this case.



4.The learned Government Advocate (Crl.side) would submit that due to a wordy quarrel, the petitioner and other accused have abused and attacked the de-facto complainant. He would also submit that the injured has been discharged from hospital. He would oppose for grant of anticipatory bail to the petitioner.

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, Andipatti, Theni 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/-

23/01/2023

/ TRUE COPY /

/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE
ANDIPATTI,
THENI DISTRICT.

2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
GANDAMANUR VILAKKU POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.ARUN .B Advocate SR.No. 1139(I)

ORDER

IN

CRL OP(MD) No.1202 of 2023

Date :23/01/2023

VA/MMS/SAR-1/31.01.2023/3P/6C