



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/01/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.1192 of 2023

V.Praveen

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
(In Crime No.45 of 2023).

... Respondent/Complainant

Balasubramanian

... Petitioner/Defacto Complainant
In Crl.MP(MD).1296/2023 in
Crl.OP(MD).1192/2023

For Petitioner : M/s.Vivek Kumar.M,
Advocate.

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

For Intervenor : Mr.C.Jeyaprakash, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.45 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 392, 397 and 506(ii) of I.P.C. and Section 25(1)(a) of Arms Act in Crime No.45 of 2023 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 16.01.2023 at about 05.30 p.m., the petitioner along with A1 had demanded money from the de-facto complainant for consuming liquor, when he had refused to give money, the petitioner along with A1 had abused and assaulted the de-facto complainant and had taken away Rs.450/- from him under knife point. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely roped in in this case, due to mistaken identity. He would further submit that the petitioner is working at a Water Service Station at Thoppur and during Pongal holidays, the petitioner had participated in the Avaniyapuram Jallikattu and sustained injury while participating in the Jallikattu. After getting treatment, the petitioner was discharged on 16.01.2023 and while he was returning back after treatment, the petitioner was intercepted by the respondent police and they had enquired about the injuries. The petitioner had explained to the respondent police by showing adequate proof and he was later, permitted to return home. While on the same day on 18.01.2023, the respondent police had once again visited the petitioner's home and enquired about his whereabouts and later, the petitioner came to know that his name has been implicated in this case registered in Crime No.45 of 2023. He would further submit that on verification, he came to know that the complaint has been given by one Balasubramaniyan, who is also a neighbour in the same street, who is known to him for the past 15 years. When the petitioner enquired the said Balasubramaniyan, he has stated that the petitioner is not involved in this case and the said Balasubramaniyan has also filed an intervening application before this Court, wherein, he had specifically stated that the petitioner is known to him for the past 15 years and that the petitioner is not a person, who was involved in this case and he was attacked by A1 one Seemarajan, who is a notorious offender. He would further submit that the petitioner's name has been unnecessarily roped in in this case. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner along with A1 had demanded money from the de-facto complainant for consuming liquor, when he had refused to give money, the petitioner along with A1 had abused and assaulted the de-facto complainant and had taken away Rs.450/- from him under knife point and hence, he would oppose for grant of anticipatory bail.

5.The learned counsel for the intervenor would submit that as per the instructions from the de-facto complainant, the petitioner is not a person, involved in the offence. He would also submit that the de-facto complainant has also filed an affidavit before this Court stating about the incident and also stating that the petitioner is not an accused in this case.

6.Heard. Perused the materials available on record including the First Information Report and also the affidavit filed by the de-facto complainant.

7.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner on the following conditions with certain conditions:



8. 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 Court No.VI, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety 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 as and when required for interrogation;

[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.

9. The affidavit filed by the de-facto complainant shall form part of the Court records.

sd/-
25/01/2023

/ TRUE COPY /

/02/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE COURT NO.VI,
MADURAI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.VIVEK KUMAR.M Advocate SR.No.1428

ORDER

IN

CRL OP(MD) No.1192 of 2023

Date :25/01/2023

SA/SSS/SAR.3/03.02.2023/4P/6C