



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.1432 of 2023

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Kumaravel

...Petitioner/ACCUSED No.1

-vs-

The State represented by
The Sub Inspector of Police,
Kallimandiyam Police Station,
Dindigul District.
(in Cr.No.240 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.240 of 2022.

For Petitioner
For Respondent

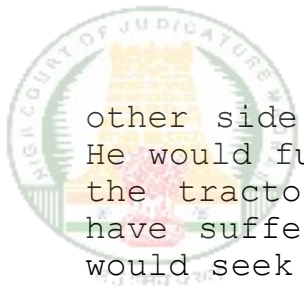
: Mr.S.C.Herold Singh
: Mr.M.Veeranthiran
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 341, 323, 324 and 506(ii) of IPC in Crime No.240 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 previous enmity on account of civil dispute, the petitioner along with his wife have abused the de-facto complainant and also assaulted the de-facto complainant and his wife. The further allegation is that the petitioner had run over his tractor on the abdomen of the de-facto complainant. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is innocent and a false complaint has been given by the de-facto complainant on account of existing civil dispute between them. He would also submit that the de-facto complainant's parties are the aggressors and they have assaulted the petitioner on the same day and the petitioner suffered serious injury and was admitted in Government hospital on 22.12.2022 and was discharged only on 26.12.2022. He would further submit that the petitioner has given a complainant before the respondent Police and the respondent has issued C.S.R.No.492 of 2022 and the respondent has supported the



other side and they have registered a case against the petitioner. He would further submit that if actually the petitioner has run over the tractor on the abdomen of the de-facto complainant, he would have suffered serious injuries, whereas, it is not so. Hence, he would seek for anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.side) would submit that due to previous enmity on account of civil dispute, the petitioner along with his wife have abused the de-facto complainant and also assaulted the de-facto complainant and his wife and the petitioner had run over his tractor on the abdomen of the de-facto complainant. He would also submit that the petitioner has got two previous cases against him. Hence, he would seek for 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. and the accident register issued by the Covai Medical Centre and Hospital Limited for the de-facto complainant, 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 Judicial Magistrate Court, Oddanchatram, Dindigul 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 stay at Madurai report before the Inspector of Police, Y.Othakadai Police Station, Madurai, everyday 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 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.

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/ TRUE COPY /

/02/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ODDANCHATRAM, DINDIGUL DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
KALLIMANDIYAM POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1432 of 2023
Date :25/01/2023

SS/ /SAR-I/04/02/2023/ 3P 5C