



WEB COPY

CRL.O.P(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

PRESENT

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

CRL.O.P(MD)No.1521 of 2023

Rajkumar

...Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(in Cr.No.23 of 2023)

...Respondent/Complainant

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

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. 23 of 2023.

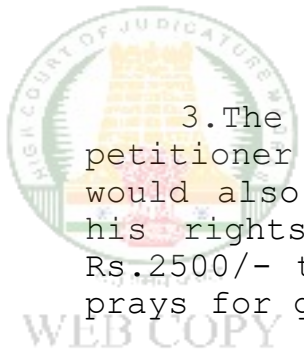
For Petitioner : Mr.M.Pandian, Advocate

For Respondent : 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), 427 and 506(ii) IPC in Crime No. 23 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 17.01.2023 around 9. p.m when the defacto complainant along with his brother's son were standing, the petitioner, in an inebriated condition, quarreled with the defacto complainant and his brother's son and he scolded them with filthy language and attacked them and damaged the bike worth about Rs.5000/-. Hence, the complaint.



3.The learned Counsel for the petitioner would submit the petitioner is an innocent and a false complaint has been given. He would also submit that to show his *bonafides* without prejudice to his rights and contentions, the petitioner is ready to deposit Rs.2500/- to the credit of crime number before the court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner in a drunken mood had scolded the defacto complainant and damaged the bike worth about Rs.5000/-. Hence, he prays for dismissal of this application.

5.Taking into consideration the facts and circumstances of the case, 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, Rajapalayam, 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 shall deposit Rs.2500/- (Rupees Two Thousand and Five Hundred Only) to the credit of Crime No.23 of 2023 before the learned Judicial Magistrate, Rajapalayam, without prejudice to his rights and contentions and the proof shall be produced at the time of execution of bond;

[b]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.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/01/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP (MD) No.1521 of 2023
Date : 27/01/2023

CM

PKP/SBN/SAR-3/14.02.2023/3P/5C