



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/01/2023

PRESENT

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

CRL.O.P(MD)No.1532 of 2023

WEB COPY

Paraveen

...Petitioner/Accused No.2

-vs-

State Represented by
The Inspector of Police,
Musiri Police Station,
Trichy District
(Cr.No.380 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 their arrest in connection with Cr.No.380 of 2022 on the file of the respondent Police.

For Petitioner : Mr.S.Poorana Chandran, Advocate

For Respondent : Mr.P.Kottai Chamy
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 341, 294(b), 323, 324, 353 and 506(i) IPC in Crime No.380 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 he is working as a Bus Driver in Tamil Nadu State Transport Corporation Limited and on 24.10.2022 at about 2.15 p.m, the bus driven by him was waylaid by the petitioner and two others. They abused him with filthy language and they entered into the bus and slapped him at his back head and intimidated him. Hence, the complaint.

3.The learned Counsel for the Petitioner would submit that the petitioner is an innocent person. He would further submit that the defacto complainant did not stop the bus in the stop and when it was questioned, a false complaint has been given.

4.The learned Government Advocate (crl.side) would submit that the petitioner along with other accused have assaulted the driver of the bus and the petitioner has got 1 previous case.He opposes for grant of anticipatory bail to the petitioner.



5. At this juncture, Mr.S.Poornachandran, learned counsel for the petitioner would submit that the petitioner is ready to abide by any stringent condition that may be imposed on him.

6. Heard and perused the materials available on record. Taking into consideration 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, Musiri, on condition that the petitioner shall execute 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 and report before the Tallakulam Police Station 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 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/-

27/01/2023

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

CM

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To

1.The Judicial Magistrate,Musiri

2.Do-through the Chief Judicial Magistrate, Trichy.

3.The Inspector of Police,
Musiri Police Station,
Trichy District
(Cr.No.380 of 2022)

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.POORNACHANDRAN S Advocate SR.No.1430

ORDER

IN

CRL OP (MD) No.1532 of 2023

Date :27/01/2023

ED/SAR III(06.02.2023) 3P 6C