



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2023

PRESENT

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

CRL.O.P(MD)No.2287 of 2023

WEB COPY

Deepan

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
(in Cr.No.2 of 2023)

...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.2 of 2023.

For Petitioner	: Mr.A.Joel Paul Antony, Advocate
For Respondent	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

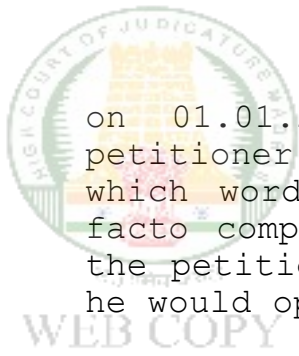
ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 307, 323, 324 and 506(ii) of IPC in Crime No.2 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 01.01.2023 at about 01.00 pm., near Sugam Hospital, the petitioner and other accused waylaid the de-facto complainant due to which wordy quarrel arose between them and they attacked the de-facto complainant with hands and wooden logs. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that this is the second petition for anticipatory bail and the earlier petition for anticipatory bail was dismissed on the ground that the petitioner herein has got four previous cases of similar nature. He would also submit that it is a case and case in counter and on the basis of the complaint given by the petitioner's side, a case in Cr.No.3 of 2023 has been registered. He would further submit that the matter has been compromised between the parties. Hence, he would pray for anticipatory bail to the petitioner.

<https://www.mhc.tn.gov.in> The learned Government Advocate (Crl.side) would submit that



on 01.01.2023 at about 01.00 pm., near Sugam Hospital the petitioner and other accused waylaid the de-facto complainant due to which wordy quarrel arose between them and they attacked the de-facto complainant with hands and logs. He would also submit that the petitioner has four previous cases of similar nature and hence, he would oppose for grant of anticipatory bail to the petitioner.

5.Heard. Perused the materials available on record.

6.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.

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 Court, Manapparai, Trichy 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., 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/-

06/02/2023

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/02/2023

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



TO

1.The Judicial Magistrate, Manapparai,
Trichy District.

2. The Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
Manapparai Police Station,
Trichy District.

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

+1. CC to M/S.JOEL PAUL ANTONY A Advocate SR.No.1832 (I)

ORDER

IN

CRL OP (MD) No.2287 of 2023

Date :06/02/2023

VA/VR/SAR-1/13.02.2023/3P/6C