



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

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

CRL.O.P(MD)No.1944 of 2023

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...Petitioner/Sole Accused

-vs-

State Represented by
The Inspector of Police,
Nerukkuppai Police Station,
Sivagangai District.
(Cr.No.7 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 their arrest in connection with Cr.No.7 of 2023 on the file of the respondent Police.

For Petitioner : Mr.T.Veerakumar, 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), 324 and 506(ii) IPC in Crime No.7 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 the petitioner is said to have abused and assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent person aged 78 years and a false complaint has been given. He would also submit that a counter case in Crime No.8 of 2023 has been registered against the defacto complainant's party. He prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that there was dispute between the parties with regard to paddy field and the petitioner assaulted and abused the defacto complainant. He would further submit that the injured has been discharged from the hospital. He opposes to grant anticipatory bail.



5. Heard and perused the materials available on record. ^{ig} into consideration the facts and circumstances of the case and considering the fact the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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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, Singampuneri, Sivagangai District, 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 report before the respondent police everyday at 10.30 a.m for a period of 2 weeks and thereafter every Saturday 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/-

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

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TO

1. THE JUDICIAL MAGISTRATE, SINGAMPUNERI, SIVAGANGAI DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3. THE INSPECTOR OF POLICE,
NERUKKUPPAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-1537[I] dated 01/02/2023)

ORDER

IN

CRL OP(MD) No.1944 of 2023

Date :01/02/2023

RK/SBN/SAR4(08/02/2023) 3P 6C