



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.2697 of 2023

Suresh

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.25/2023).

... Respondent

For Petitioner : M/s.Vishnu.J, Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Additional Public Prosecutor

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

PRAYER :-

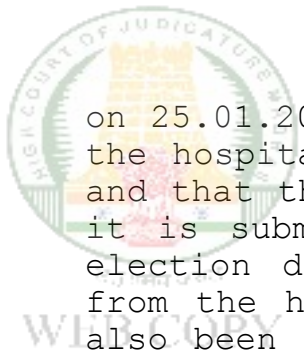
For Anticipatory Bail in Crime No.25 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427 and 506(ii) of IPC r/w 307 of IPC in Crime No.25 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the defacto complainant, is that due to an election dispute between the parties, the accused persons have abused the defacto complainant in filthy language and also assaulted him, over which, he sustained injuries. The accused persons also criminally intimidated him and caused damages to the tune of Rs.20,000/-. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that this is the second application for anticipatory bail. Earlier application in Crl.OP(MD)No.1490 of 2023 was dismissed by this Court



on 25.01.2023 stating that the victim was still taking treatment in the hospital and the case has been altered into section 307 of IPC and that the investigation was also in the initial stage. However, it is submitted that the case has been registered on account of election dispute and now, the victim has already been discharged from the hospital. In this case, major part of investigation has also been completed and there is no specific allegation as against the petitioner. The co-accused has already been enlarged on bail. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submitted that there was a election dispute between the parties, over which, the accused persons abused and assaulted the defacto complainant, resulting grievous injuries in the wrist of the victim and also they caused damages to 2 two wheelers to the tune of Rs.20,000/-. Hence, prays to dismiss the petition.

5.At this juncture, the learned counsel for the petitioner submitted that without prejudice to his rights and defence, to show his *bona fides*, ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime Number. Hence, prays to release the petitioner on anticipatory bail.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7.Taking into consideration the facts and circumstances of the case and considering the fact that the injured was discharged from the hospital and that the co-accused has already been released on bail and also the readiness and willingness of the petitioner to deposit amount to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime Number 25 of 2023**, without prejudice to his rights and contentions before the trial Court. However, it is made clear that in view of the deposit being made by the petitioner, it would not amount to admission of guilt by him.

9.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Kulithalai, Karur**, 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 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 the 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]**; and;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/02/2023

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

PNM
TO

1 THE JUDICIAL MAGISTRATE NO.II, KULITHALAI, KARUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.J.VISHNU, Advocate (SR-2256[I] dated 14/02/2023)

ORDER

IN

CRL OP(MD) No.2697 of 2023

Date :10/02/2023

RS/SSS/SAR-4/16.02.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>