



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.2750 of 2023

B.Prabakaran

...Petitioner/Sole Accused

-vs-

State rep.by
The Inspector of Police,
Mayanoor Police Station,
Karur District.
(Cr.No.26 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.26 of 2023.

For Petitioner	: Mr.M.Suresh, 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), 323 and 506(ii) IPC in Crime No.26 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 during Pongal festival, dispute arose with regard to distribution of prize and the accused abused the defacto complainant with filthy language and attacked. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been registered against him. He would further submit that this is second application and earlier application was dismissed as withdrawn due to the fact that the injured was in hospital and now injured has been discharged from the hospital and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that during the Pongal festival, there was dispute between the petitioner and the defacto complainant for distribution of prize and on that motive, the petitioner abused and attacked the defacto complainant. He would further submit that injured has been discharged from the hospital. He would oppose for grant of anticipatory bail to the petitioner.



5. Heard and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and in view of the fact that the injured has been discharged from the hospital, 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 District Munsif cum Judicial Magistrate, Krishnarayapuram, Karur 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/-

13/02/2023

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

cm

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KRISHNARAYAPURAM, KARUR DISTRICT.

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

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

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

ORDER
IN
CRL OP (MD) No.2750 of 2023
Date :13/02/2023

RK/BUC/SAR-2 (21/02/2023) 3P 5C