



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.2896 of 2023

WEB COPY

Sellam @ Selvam

...Petitioner/ 1st Accused

-vs-

The State represented by
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
(in Cr.No.362 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 his arrest by the respondent Police with respect to Cr.No.362 of 2022.

For Petitioner
For Respondent

: Mr.M.S.Jeyakarthik
: 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 147, 148, 120(b), 109, 447, 294(b) and 506(i) of IPC in Crime No.362 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 due to a civil dispute, on 06.10.2022, the accused persons have abused the de-facto complainant in filthy language and also assaulted her. 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 the petitioner has not committed any offence, as alleged by the prosecution. He would also submit that a case of civil dispute has been projected as a criminal nature. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that due to a civil dispute, on 06.10.2022, the accused persons have abused the de-facto complainant in filthy language and also assaulted her. 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.363 of 2022 was registered against the complainant's side. Hence, he would seek for dismissal of this petition.

5. 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.

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, Theni, 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., for a period of two weeks and thereafter, every Saturday at 10.30 am 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/-

14/02/2023

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

cmr



To

1.The Judicial Magistrate, Theni.

2. -do-Through The Chief Judicial Magistrate, Theni.

2.The Inspector of Police,
Palanichettipatti Police Station,
Theni District.

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

+1 CC to M/s.M.S.JEYAKARTHICK, Advocate (SR-2278[I] dated
14/02/2023)

ORDER

IN

CRL OP(MD) No.2896 of 2023

Date :14/02/2023

RK/VS/SAR-I (22/02/2023) 3P 5C