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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2023

PRESENT

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

CRL OP(MD). No.3564 of 2023

Rathinam

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No.134/2021)..

... Respondent/Complainant

For Petitioner : M/s.G.Karuppasamy Pandiyan

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.134/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(i) of I.P.C, in Crime No.134 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 17.05.2021, there was a wordy quarrel between the parties, over a construction of a house. The accused abused the defacto complainant and assaulted him using spade. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there was a civil dispute between the parties, over which, a false complaint has been foisted against him. In this case, investigation



has been completed and final report also filed in C.C.No. 228 of 2021, on the file of Judicial Magistrate, Melur. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, after completing the investigation, final report has been filed before the Judicial Magistrate, Melur in C.C.No.228 of 2021 and the case stands posted on 13.04.2023, for appearance of parties. However, considering the gravity of the offence, prays to dismiss the petition.

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

6.Taking into consideration the facts and circumstances of the case and stage of completion of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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, Melur**, 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 concerned Court everyday at 10.30 a.m., for a period of one weeks and thereafter, on the dates fixed by the concerned Magistrate;

[c] the petitioner shall not tamper with the witness during trial;

[d] the petitioner shall not abscond during 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/-
23/02/2023

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/03/2023

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

pnm

TO

1. THE JUDICIAL MAGISTRATE, MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
KEELAVALLAVU POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-2820[I] dated
24/02/2023)

ORDER
IN
CRL OP(MD) No.3564 of 2023
Date :23/02/2023

RK/SAR-3(10/03/2023) 4P/6C