



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/03/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.3987 of 2023

WEB COPY

C.Saravanan

... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District
(Crime No.99 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Veerapandi S.P.,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

For Anticipatory Bail in Crime No.99 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
294(b), 324 and 506(ii) of I.P.C. and Section 4 of TNPWH Act, in
Crime No.99 of 2023 on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution due to property dispute between
the parties, the petitioner abused the de-facto complainant in
filthy language and assaulted the wife of the de-facto complainant
and also threatened him with dire consequences. Hence, the case.

3.The learned counsel for the petitioner would submit that the
petitioner and the de-facto complainant are siblings and the
petitioner is an innocent and due to property dispute, a false
complaint has been given. Hence, he would seek for anticipatory
bail.

4.The learned Government Advocate (Crl. side) appearing for the
respondent would submit that on account of property dispute, the
petitioner abused the de-facto complainant in filthy language and
assaulted the wife of the de-facto complainant and also threatened
him with dire consequences. The injured has been discharged from the
hospital. However, he would object for grant of anticipatory bail.



5. Heard. Perused the materials available on record the First Information Report.

6. Taking into consideration of the facts and circumstances of the case, 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 Judicial Magistrate Court No.II, Kovilpatti, Thoothukudi 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, daily at 10.30 a.m., for a period of two weeks and thereafter, on 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/-

02/03/2023

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



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1. The Judicial Magistrate Court No.II,
Kovilpatti, Thoothukudi District.
 2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
 3. The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.P.VEERA PANDI, Advocate (SR-3260[I] dated 02/03/2023)

ORDER
IN
CRL OP(MD) No.3987 of 2023
Date :02/03/2023

RD/AR/SAR-IV (09/03/2023) 3P 6C