



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.03.2023
PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.4343 of 2023

Poonkodisamy

... Petitioner/Sole Accused

Vs.

The State rep.by
State represented by its
The Sub Inspector of Police,
Mathichiyam Police Station,
Madurai City.
Cr.No.176 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.Veeranasamy
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.176 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(ii) of IPC and Section 4 of TNPWH Act, in Crime No.176 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute, there was a wordy quarrel arose between the petitioner and the *de facto* complainant, in which, the petitioner said to have abused the *de facto* complainant by using filthy language and also attacked her with hands and caused injury. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely



implicated in this case. Hence, he seek anticipatory bail.

5.The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

6.Considering 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 are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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. without fail, for a period of Two Weeks and thereafter as and when required for interrogation;

(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]; and;

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

sd/-

07/03/2023

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



1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
MATHICHIYAM POLICE STATION,
MADURAI CITY.

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

ORDER

IN

CRL OP(MD) No.4343 of 2023

Date :07/03/2023

SA/BUC/SAR.4/16.03.2023/3P/5C