



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

Date : 08/03/2023

PRESENT

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

CRL OP(MD) . No.4392 of 2023

Muthu @ petchimuthu

... Petitioner/Accused No.1

Vs

State rep. by,
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Crime No.88/2023).

... Respondent/Complainant

For Petitioner : Mr.M.Prabu,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.88/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 427 and 506(i) of IPC in crime No.88 of 2023 on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel in the toll gate the petitioner herein along with other accused abused the defacto complainant, assaulted him and also threatened him with dire consequences and also caused damage to the mirror in the toll gate.

3. Heard both side and perused the materials available on record.

4.Taking into consideration the facts and circumstances of the case and the fact that no one sustained injuries in the said occurrence this Court is inclined to grant anticipatory bail to the petitioner on the following conditions.



5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti 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 deposit the sum of Rs.5,000/- to the credit in crime number 88 of 2023 before the learned Judicial Magistrate No.II, kovilpatti without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

sd/-

08/03/2023

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



TO

1. The Judicial Magistrate No.II, Kovilpatti.
2. Do through the Chief Judicial Magistrate,
Thoothukudi District.
3. The Inspector of Police,
Kayathar Police Station, Kovilpatti.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.PRABU, Advocate (SR-3688[I] dated 08/03/2023)

ORDER
IN
CRL OP(MD) No.4392 of 2023
Date : 08/03/2023

NA/SAR-2/13.03.2023/3P/6C