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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.04.2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6855 of 2023

S.Vivek

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Srirangam Police Station,
Trichy City, Trichy District.
Crime.No.500 of 2023.

... Respondent/Complainant

For Petitioner : M/s.R.Yamuna
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.500 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323 and 353 of IPC in Cr.No.500 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 03.04.2023, at about 09.30 p.m., on the instruction of the Assistant Engineer TANGEDCO, the de-facto complainant had disconnected the petitioner's electricity connection. Thereafter, the petitioner came into the office of the Assistant Engineer and abused the de-facto complainant in filthy language and also slapped him. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and that he has not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that due to non-payment of EB bill, the de-facto complainant had disconnected the petitioner's electricity connection, for which, the petitioner abused the de-facto complainant in filthy language and slapped him. He would also submit that the petitioner is having no previous case.

5.Considering the nature of charges levelled against the petitioner and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Srirangam, Trichy.

7.On production of such receipt/acknowledgment, 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, Srirangam, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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/-

13/04/2023

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

SJI

TO

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

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTERS PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU, SECRETARIAT,
CHENNAI 9.

+1 CC to M/s.R.YAMUNA, Advocate (SR-5888[I] dated 17/04/2023)

ORDER

IN

CRL OP(MD) No.6855 of 2023

Date :13/04/2023

SS/CG/SAR III/24/04/2023/3P/7C