



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

Date : 17/04/2023

PRESENT

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

CRL OP(MD) . No.6950 of 2023

Baskar

... Petitioner/Sole Accused

Vs

State rep. by
The Inspector of Police,
Thogamalai Police Station
Karur District.
Cr.No.117/2023.

... Respondent/Complainant

For Petitioner : M/s. K.Vamanan,
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.117/2023 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 offences punishable under Sections 294(b), 323 and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No. 117 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the siblings with regard to partition of property, for which, the petitioner's sister came to the de-facto complainant's house, at that time, the petitioner shouted with filthy language and attacked the de-facto complainant and his wife with a stick and also alleged to cause simple injury. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.



4. Taking into consideration of the facts and circumstances of the case and also the fact that the injured was discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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 No.I, Kulithalai, 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, 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/04/2023

/ TRUE COPY /

/04/2023

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

SJI

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD).



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TO

1. The Judicial Magistrate No.I, Kulithalai.
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
Thogamalai Police Station
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.VAMANAN, Advocate (SR-5902[I] dated 17/04/2023)

ORDER
IN
CRL OP(MD) No.6950 of 2023
Date : 17/04/2023

NA/SSS/SAR-1/26.04.2023/3P/6C