



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 18/04/2023  
PRESENT

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

CRL OP(MD) . No.7100 of 2023

Gopinath

... Petitioner/Accused 1

**Vs**

The State rep.by  
The Inspector of Police,  
Thiruvaiyaru Police Staiton,  
Thanjavur District.  
Crime No.104/2023.

... Respondent/Complainant

For Petitioner : Mr.SARAVANA KUMAR.P.,  
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.104 of 2023 on the file of the Respondent Police.

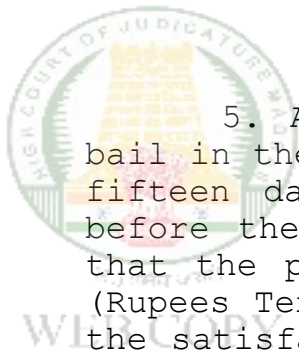
**ORDER :** The Court made the following order :-

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(ii) of IPC in Crime No. 104 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons went into hotel and asked the defacto complainant to give four glasses for consuming liquor when the same was denied the petitioners herein abused the defacto complainant, assaulted him and also threatened him with dire consequences. Further they also caused damage to the items in the hotel, hence the case.

3. Heard both side and 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 treated as out patient, 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, Thiruvaiyaru, 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 shall pay a sum of Rs.10,000/- directly to the defacto complainant as compensation and on production of proof/ acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioner.

[b] 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.

[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].

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

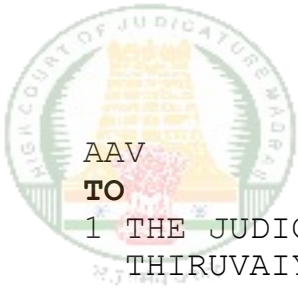
sd/-

18/04/2023

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



AAV  
TO

1 THE JUDICIAL MAGISTRATE,  
THIRUVAIYARU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,  
THIRUVAIYARU POLICE STATION,  
THANJAVUR DISTRICT.

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

+1. CC to M/S.SARAVANA KUMAR.P. Advocate SR.No.6015

**ORDER**

**IN**

CRL OP(MD) No.7100 of 2023  
Date :18/04/2023

SA/CG/SAR.3/24.04.2023/3P/6C