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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2023

PRESENT

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

CRL OP(MD). No.7382 of 2023

N.Muthukumaran

... Petitioner/Accused (Rank Not Known)

Vs

State Rep.by
The Sub Inspector of Police,
Anna Nagar Police Station,
Madurai City.
Madurai District.
Crime No.197 of 2023.

... Respondent/Complainant

For Petitioner : K.Muthu Ganesa Pandian, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)
For Intervenor : Mr.Padmanabhan, party in person

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

PRAYER :-

For Anticipatory Bail in Crime No.197 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 120(b), 452, 294(b), 324, 307, 506(ii) of IPC in Crime No.197 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.04.2023 at about 8- 8.30 am., when the defacto complainant opened the door hearing knocking sound he found a middle aged person calling him anna and he enquired him and thereafter the said person taken a sword and tried to stab him and abused him in filthy language and also criminally intimidated him, hence the case.

3. It is seen that there was previous enmity between A6 and the defacto complainant. The petitioner herein is the friend of A6. Therefore A6 directed A1 to A5 to attack the deceased, hence on the

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date of occurrence one of the person knocked the door and the accused sustained simple injuries. Unfortunately the defacto complainant escaped from the attack. It is seen that the petitioner has been implicated as an accused on the confession given by A1 to A6. A1- A6 were arrested and remanded to judicial custody.

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4. The defacto complainant appeared through video conference today and objected to grant anticipatory bail to the petitioner stating that the defacto complainant is having two daughters and if the petitioner is granted anticipatory bail, he is very much afraid at the hands of the accused persons. Further there is previous enmity between A6 and this petitioner, hence he seeks dismissal of the petition.

5. The learned Government Advocate(Crl.Side) would submit that though the petitioner is arrayed as A8 only on the confession of the other accused this petitioner has been implicated as an accused. He was not present in the scene of occurrence. A1 to A6 were arrested and remanded to judicial custody.

6. Taking into consideration all the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7. 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.VI, 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 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 stay at karur and report before the Karur Town police daily at 10.30 am., for a period of two weeks and thereafter before the respondent police daily at 10.30 am., until further orders.

[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 were not imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

[g) the respondent police is directed to give adequate police protection to the life and limb of the defacto complainant.

sd/-

20/04/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE, ANNA NAGAR POLICE STATION,
MADURAI CITY, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR DISTRICT.

+1 CC to M/s.K.MUTHU GANESA PANDIAN, Advocate (SR-6164[I] dated
20/04/2023)

ORDER

IN

CRL OP(MD) No.7382 of 2023

Date :20/04/2023

RS/MMS/SAR-1(25.04.2023) 3P 7C