



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

Date : 24/04/2023

PRESENT

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

CRL OP(MD) . No.7604 of 2023

Dharmaraj

... Petitioner/Accused

Vs

State rep. by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
in Crime No.115/2023.

... Respondent/Complainant

For Petitioner : M/s.Balamurugan.M,
Advocate.
For Intervenor : M/s.C.Senthil Murugan
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.115/2023 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 448,294(b),323,427,379 and 506(ii) of IPC in Crime No. 115 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.04.2023 at about 8.45 pm., when the defacto complainant was in his office the petitioner met him and demanded to hand over a case bundle to him. In turn the defacto complainant demanded fee amount for filing cheque petition in the accidental claim case. The petitioner herein refused to give 3% and admitted to give some amount, that has to be accepted by the defacto complainant, hence there was a wordy quarrel between the petitioner and the defacto complainant. The petitioner



herein threatened the defacto complainant with dire consequences and damaged the office utensils worth about Rs.5000/- and he also also taken away some case bundles along with him, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner's brother died due to accident and thereafter another advocate was engaged and award was passed. However earlier counsel died. Subsequently the present defacto complainant was engaged to file cheque petition. However the defacto complainant failed to file such petition and as such when it was questioned by the petitioner who is relative who only engaged the defacto complainant abused him, and as such there was a quarrel between them in which the petitioner said to have damaged the things in the office of the defacto complainant. 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:

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, Ramanathapuram 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:

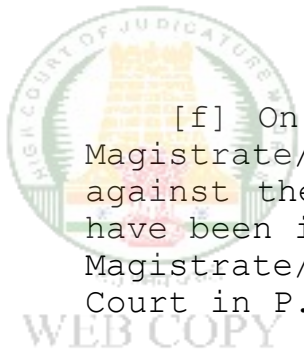
[a] the petitioner shall pay a sum of Rs.10,000/- directly to the defacto complainant as compensation and on production of proof/ acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioner.

[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 6.30 pm., 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/-
24/04/2023

/ TRUE COPY /

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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.I, Ramanathapuram.
2. Do through the Chief Judicial Magistrate,
Ramanathapuram.
3. The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7604 of 2023
Date : 24/04/2023

NA/CG/SAR-2/27.04.2023/3P/5C