



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

Date : 25/04/2023

PRESENT

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

CRL OP(MD). No.7729 of 2023

Karunassamuvel

... Petitioner / Accused

Vs

State through
The Inspector of Police,
Perumal Puram Police Station,
Palayamkottai, Tirunelveli City.
(In Crime No.142 of 2023.)

... Respondent / Complainant

For Petitioner : M/s.K.Suyambulingabharathi, 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.142 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 294 (b), 323,324,427 and 506(i) of IPC in Crime No. 142 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant was returning home after completing his work the accused drove the two wheeler in a rash and negligent manner and dashed against the defacto complainant. When the same was questioned by the defacto complainant the accused attacked the defacto complainant, abused him in filthy language and also threatened him with dire consequences. Further he has also thrown away the cycle of the defacto complainant, 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/accused is working as a Constable attached to the EOW Police Station, Tenkasi District. When the defacto complainant without respecting his uniform crossed over him, therefore the petitioner had damaged the cycle of the defacto complainant and also abused him in filthy language. The victim is a senior citizen, therefore the petitioner has to compensate him. Taking into consideration all the above facts, 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, Tirunelveli, 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.25,000/- directly to the defacto complainant as compensation and on production of proof/acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioner. Further the petitioner shall file an undertaking affidavit before the respondent police that he will not indulge in any such activities as against the general public till during service.

[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 three 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].



CRL OP(MD)



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

sd/-
25/04/2023

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/ 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,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.K.SUYAMBULINGABHARATHI Advocate SR.No.23823(F),
dated 26.04.2023.

ORDER
IN
CRL OP(MD) No.7729 of 2023
Date :25/04/2023

ED/CG/SAR-2 (27/04/2023) 3P 6C