



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

Date : 04.05.2023

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL OP(MD) . No.8580 of 2023

P.Abinesh

... Petitioner/Accused Rank Not Known

Vs.

State rep., by  
The Inspector of Police,  
Amathur Police Station,  
Virudhunagar District.  
(Crime No.69/2023).

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh, Advocate  
For Respondent : Mrs.M.Aasha  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.69 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.69 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The allegation against the petitioner is that when the defacto complainant and his friends in drunken mood were having food in Archana hotel, the accused persons came there to have food and made wordy quarrel with them, abused them in filthy language and also assaulted the defacto complainant, thereby, he sustained injuries.

3. On the side of the petitioner, it is stated that the petitioner is innocent person and he has been falsely implicated in this case and there was no previous case against the petitioner.

4. On the side of prosecution, it is stated that the petitioner is second accused in this case and injured has been discharged from

<https://www.mhc.in.gov.in/judis> one month on 24.04.2023.



5. Considering 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.

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6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 am., for a period of four 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]**; and;

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/05/2023

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/05/2023

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

rmk



To

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, AMATHUR POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8580 of 2023

Date :04/05/2023

RS/VR/SAR-4(08.05.2023) 3P 5C