



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.8591 of 2023

Raghul

... Petitioner/Accused 1

Vs

The State rep.by
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
(In Crime No.127 of 2023).

... Respondent/Complainant

For Petitioner : Mr.B.SANTHANAM RAJESH KUMAR, 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.127 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii) IPC, in Crime No.127 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.03.2023, at about 05.45p.m., the accused persons came to the shop of the defacto complainant and purchased the cigarettes, but refused to pay the amount. Due to which, wordy quarrel arise between them and the accused persons abused the defacto complainant with filthy language, assaulted with hands and also criminally threatened him with dire consequences. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and a false case has been foisted against him, on account of money dispute between the parties. In this case, the injured has been discharged from the hospital. Hence, prayed to release the petitioner on anticipatory bail.



4. On the side of prosecution, it is stated that there is a money dispute between the parties, due to which, the accused persons abused, assaulted the defacto complainant with hands and also threatened him with dire consequences. In this case, though the injured has been discharged from the hospital, the petitioner is having one previous case in similar nature. Hence, prayed to dismiss the petition.

5. Considering the nature of dispute between the parties and nature of the offence and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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.I, Karur, Karur District**, 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 one month 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 be present before the Court on hearing dates and before the respondent police as and when required;

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



1 THE JUDICIAL MAGISTRATE NO.I,
KARUR, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8591 of 2023

Date :04/05/2023

SA/CG/SAR.1/05.05.2023/3P/5C