



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

Date : 10/05/2023

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD). No.8644 of 2023

Gunasekar

... Petitioner / 4th Accused

Vs

State rep by
The Inspector of Police,
Vadamadurai Police Station
Dindigul District.
(Crime No.98 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Balamurugapandi.D, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.98 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/4th Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323, 435 and 506(2) of IPC, in Crime No.98 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused unlawfully assembled in the village festival and abused the defacto complainant by using filthy language and attacked him and also made a life threat to him. Thereby, the defacto complainant sustained injuries. Hence, the complainant.

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

4.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the



hospital and no previous case is pending against the petitioner, 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, Vedachandur, Dindigul 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 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.98 of 2023 before the learned Judicial Magistrate, Vedachandur, Dindigul District, without prejudice to his rights and contentions before the trial Court and file the receipt/acknowledgment before the concerned Court along with surety affidavits.

[c] the petitioner shall report before the respondent police daily at 10.30 am., 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 is 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/-

10/05/2023

/ TRUE COPY /

/05/2023

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



To

1.The Judicial Magistrate,
Vedachandur, Dindigul District.

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

3.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

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

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-7305[I] dated
11/05/2023)

ORDER

IN

CRL OP(MD) No.8644 of 2023

Date :10/05/2023

ED/VR/SAR-4 (11/05/2023) 3P 6C