



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9287 of 2023

Kirubhakaran

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.
(Crime No.46 of 2023).

... Respondent/Complainant

For Petitioner : M/s. Anand.R,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

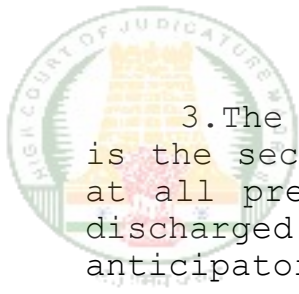
PRAYER :-

For Anticipatory Bail in Crime No.46 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 109, 307 and 506(ii) IPC, in Crime No.46 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the father of the defacto complainant had extra marital relationship with the second accused. The third accused is her daughter. Taking advantage of such relationship, the second accused has demanded a share from the property of the defacto complainant's father. Due to this dispute, when the defacto complainant was returning to his home on 30.03.2023, four persons attacked him with knife, thereby, he sustained injuries. Hence, the complaint.



3.The learned counsel for the petitioner would submit that this is the second anticipatory bail application. The petitioner was not at all present in the place of occurrence. The victim was already discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that totally 10 accused are involved in this case. The petitioner is arrayed as A1. A4 to A8 were already arrested. A2 and A3 got anticipatory bail by this Court. The petitioner is a history sheeted. He is having 4 previous cases. Already he executed a bond under Section 110 Cr.P.C.

5.At this juncture, the learned counsel for the petitioner would submit that in all the cases the petitioner has already got bail.

6.Considering the facts and circumstances of the case and also considering the fact that co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Athur, Dindigul, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties **(of which one shall be a blood related surety)** each for a like sum 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall **stay at Tiruvannamalai and report before the Tiruvannamalai Town police station** daily at 10.30 am., for a period of two months and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/05/2023

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/05/2023

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

dss

TO

1. THE JUDICIAL MAGISTRATE, ATHUR, DINDIGUL.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
3. THE INSPECTOR OF POLICE,
CHINNALAPATTI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION.

+1 CC to M/s.ANAND.R, Advocate (SR-7691[I] dated 19/05/2023)

ORDER

IN

CRL OP(MD) No.9287 of 2023

Date :18/05/2023

RK/CG/SAR-(24/05/2023) 3P/7C