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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.06.2023

PRESENT

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

CRL OP(MD). No.12001 of 2023

Anbalagan ... Petitioner/Sole Accused

Vs

The State,
Represented by the Inspector of Police,
Theni Police Station,
Theni District.
(Crime No.172 of 2023). ... Respondent/Complainant

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

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

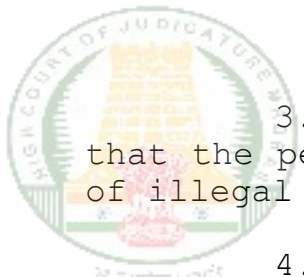
PRAYER :-

For Anticipatory Bail in Crime No.172 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 379(NH) and 506(i) of I.P.C r/w Section 4 of TNPHW Act in Crime No.172 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 11.04.2023 at about 01.30 p.m., the petitioner quarrelled with the defacto complainant and abused him in filthy language and also attacked with hands and harassed one Sumathi, who is working as a Teacher and threatened the defacto complainant. Hence, the complaint.



3. Now, the learned counsel appearing for the petitioner states that the petitioner undertakes that he will not indulge in any kind of illegal activities as against the School and the Headmaster.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that this is the third anticipatory bail application filed by the petitioner and the earlier petitions filed by the petitioner in CrI.O.P(MD) No. 7214 of 2023 and 10918 of 2023 were dismissed on 19.04.2023 and 19.06.2023 and opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner undertakes that he will not indulge in any kind of illegal activities as against the School and the Headmaster, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

7. Accordingly, the petitioner shall file an undertaking affidavit to the effect that he shall not interfere with the administration of the School and also surrender all the service register and other records, which were taken by him to the defacto complainant and on filing such undertaking affidavit before the concerned Jurisdictional Magistrate and further, the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the defacto complainant and on such payment, 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, Theni, 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 shall report before the respondent Police daily at 10.30 a.m for a period of two 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/06/2023

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/07/2023

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

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TO

1.THE JUDICIAL MAGISTRATE, THENI,

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3.THE INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.

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

+2 CC to M/s.SUDHA.R, Advocate (SR-10042,10130[I] dated
03/07/2023)

ORDER

IN

CRL OP(MD) No.12001 of 2023

Date :30/06/2023

RK(06/07/2023) 3P/7C