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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15615 of 2023

P. Murugesan

... Petitioner/ Accused

Vs

The State rep. by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
Crime No. 363/2023.
U/s 294(b), 324,506(ii) of IPC
And 4 of TNPHW Act.

... Respondent/Complainant

For Petitioner : Mr.M.Suresh
Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 363 of 2023 on the file of the respondent Police.

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ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324, 506(ii) I.P.C and 4 of TNPHW Act., in Crime No.363 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.08.2023, when the petitioner went to a nearby house of the defacto complainant, for condolence, at that time, there was a wordy quarrel arose between the parties, over which, the petitioner abused the defacto complainant in filthy language, assaulted her with wooden log and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. The petitioner has been falsely implicated in this case, on account of previous enmity. There is a delay in lodging the complaint. He would further submit that the injured has been discharged from the hospital and except the offence under Section 506(ii) IPC, all other offences are bailable in nature. Hence, he seeks anticipatory bail.



4.It is brought to the notice of this Court by the learned counsel for the petitioner that he has wrongly mentioned the respondent Police as Thirumangalam Police Station, instead of Thirumangalam Town Police Station.

5.The learned Additional Public Prosecutor would submit that though the injured has been discharged from the hospital, due to previous enmity, the petitioner has abused and assaulted the defacto complainant. Hence, he objected to grant anticipatory bail to the petitioner

6.Heard both side and perused the materials available on record.

7.Considering the rival submissions on either side and considering the fact that the injured has been discharged from the hospital and the fact that except the offence under Section 506(ii) IPC, all other offences are bailable in nature, and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

8.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, Thirumangalam,

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Madurai 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the concerned respondent Police daily at 10.00 A.M. for a period of four weeks, thereafter, as and when required for interrogation;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial;

[d] 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];



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[e] If the accused thereafter absconds, a fresh FIR can be registered under

Section 229A IPC.

sd/-
29/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

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

ORDER
IN
CRL OP(MD) No.15615 of 2023
Date :29/08/2023

SSA/VR/30.08.2023/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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