



CRL OP(MD). No.15649 of 2023

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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.15649 of 2023

Rajkumar

... Petitioner/Sole Accused

Vs

State Rep.by

The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

Crime No.349/2023.

... Respondent/Complainant

For Petitioner : M/s.Ebenezer.T.A, 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.349/2023 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 and 506(ii) of IPC in Crime No.349 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 20.08.2023 when the defacto complainant was walking before the shop the accused due to previous enmity



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dashed his two wheeler from behind, due to which the defacto complainant fell down and sustained injuries, hence the case.

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3.The learned counsel for the petitioner would contend that the petitioner is innocent and due to previous enmity a false case has been foisted against him.. He would further submit that injured sustained only simple injuries, hence he seeks anticipatory bail.

4.The learned Additional Public Prosecutor would submit that due to previous enmity dashed his two wheeler from behind, due to which the defacto complainant fell down and sustained injuries, hence he objected to grant anticipatory bail to the petitioner.

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

6.Considering the rival submissions on either side and considering the fact that the injured sustained only simple injuries and also considering the fact that except 506(ii) of IPC other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7.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, Nanguneri on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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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 respondent police daily at 10.30 a.m., for a period of thirty days and 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].

[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.

AAV



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TO

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1 THE JUDICIAL MAGISTRATE, NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRTE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

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Date :29/08/2023

RS/JGB/SAR-(30.08.2023) 4P 5C

Madurai Bench of Madras High Court is issuing
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