



CRL OP(MD)No.15761 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 31.08.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD)No.15761 of 2023

Bharath Karuppasamy

... Petitioner / Sole Accused

Vs

State rep through  
The Sub Inspector of Police,  
Mallanginar Police Station,  
Virudhunagar District.  
(Crime No.109 of 2023)

... Respondent / Complainant

For Petitioner : Mr.P.Arjunan, Advocate

For Respondent : Mr.B.Nambiselvan,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.109 of 2023 on the file of the respondent police



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ORDER: The Court made the following order :-

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The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 506(2) IPC and Section 4 of TNWPH Act in Crime No.109 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are belonging to the same locality. There was some dispute between them and due to the same, the petitioner made wordy quarrel with him and also assaulted him. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has been falsely implicated in this case. Even according to the case of the prosecution, no one was injured in the alleged occurrence and hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that no one was injured in the alleged occurrence and the petitioner is not having any previous cases.

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 no one was injured in the alleged occurrence and no previous case is pending against the petitioner and also considering the fact that except 506(ii) of IPC other



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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 No.1, Virudhunagar 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 respondent police on every Saturday at 10.30 a.m., for a period of four weeks 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].



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

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Section 229A IPC.

sd/-  
31/08/2023

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/09/2023

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

GNS

To

- 1.The Judicial Magistrate No.I, Virudhunagar.
- 2.Do through the Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur.
- 3.The Sub Inspector of Police,  
Mallanginar Police Station, Virudhunagar District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER  
IN

CRL OP(MD) No.15761 of 2023  
Date :31/08/2023

ED/VR/SAR- (11/09/2023) 4P / 5C  
Madurai Bench of Madras High Court is issuing certified copies in this format from  
17/07/2023