



CRL OP(MD). No.19258 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon'ble Mr.Justice R.SAKTHIVEL

CRL OP(MD). No.19258 of 2023

A.Sakthivel

... Petitioner/ Sole Accused

Vs

The State rep. by,
The Inspector of Police,
Thiru Nagar Police Station,
Madurai City, Madurai District.
(Crime No.793 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.K.Anandha Raj
for Mr.K.Arunraj

For Respondent :Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.793 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 alleged offence punishable under Sections 380 and 511 of I.P.C. in Crime No.793 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that on 15.10.2023, at about 05.00 P.M., the petitioner trespassed into the defacto complainant's house and tried to steal the computer cable. When the defacto complainant intercepted the same, the petitioner caused injury to her. Due to the injury, the defacto complainant was admitted in the Government Hospital, Thirupparankundram and returned after getting first aid treatment. Hence, the defacto complainant filed a complaint. Based on the said complaint, the above said case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has permanent residence at Madurai District and therefore, there is no possibility for absconding. Hence, he seeks pre-arrest bail.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner caused injury to the defacto complainant and the defacto complainant took treatment as an outpatient. He further submitted that the petitioner has no previous case and the investigation is not yet completed. At this stage of incompleteness of investigation, if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and witnesses and thereby investigation may be delayed. Accordingly, the learned Government Advocate raised objection for granting pre-arrest bail.

5. Heard on both sides. This Court has perused the materials available on record.

6. Petitioner has no previous case. Petitioner has permanent residence and has deep roots in the Society. Considering the nature of offence allegedly committed by the petitioner against the defacto complainant and his property, this Court is of the view that custodial interrogation of the petitioner is not necessary to the investigating agency. Hence, this Court is inclined to grant pre-arrest bail to the petitioner, subject to the following conditions:

(i) Pre-arrest bail is granted to the petitioner.

(ii) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the Judicial Magistrate No.VI, Madurai within 15 days from today, on his executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.VI, Madurai.

(iii) The petitioner shall appear and sign before the respondent police daily at 10 a.m. until further orders.



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(iv) The petitioner shall not enter into the defacto complainant / victim's house.

(v) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proof to ensure their identity.

(vi) The petitioner shall not tamper with the evidence or witness either during investigation or trial.

(vii) The petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation.

(viii) If the petitioner absconds, a fresh FIR shall be registered under Section 229A of IPC.

(ix) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) 13 SCC 283].

sd/-

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/11/2023

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

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TO

1. The Judicial Magistrate No.VI, Madurai.

2.Do through

The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,

Thiru Nagar Police Station,

Madurai City, Madurai District.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.19258 of 2023
Date :26/10/2023

SI/JGB /SAR- /06.11.2023/4P/5C

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