



CRL OP(MD)No.19301 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

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Radhakrishnan

:Petitioner/Sole Accused

Vs

State rep.by the Inspector of Police,
Thogamalai Police Station,
Karur District.
Crime No.427 of 2023.

: Respondent/Complainant

For Petitioner : Mr.M.Karunanithi, Advocate

For Respondent : Mr.R.Sivakumar,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory bail in Crime No.427 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



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respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) I.P.C., in Crime No.427 of 2023 on the file of the respondent police, seeks an order of pre-arrest bail.

2. The case of the prosecution is that the petitioner and the defacto complainant have some civil dispute regarding pathway right, due to the said disputes, the petitioner abused the defacto complainant, assaulted him and caused injuries on 12.10.2023 at about 07.00 pm. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner and the defacto complainant have pathway disputes. Hence, the defacto complainant with a view to bend the petitioner, has filed a false complaint against the petitioner. Based on the said complaint, the respondent Police registered the above case. He further submitted that the petitioner is ready and willing to abide the conditions to be imposed by this Court.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the victim was admitted in the hospital on 12.10.2023 and discharged on 17.10.2023. He further submitted that the petitioner has no previous case.



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Further, he submitted that if bail is granted to the petitioner, he will cause threat to the defacto complainant and other witnesses. Hence, he prayed to dismiss the petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent police.

6. Victim/injured have been discharged from the hospital. Considering the nature of the civil dispute allegedly subsisting between the petitioner and the defacto complainant and also the relationship between the parties, this Court is inclined to grant anticipatory bail to the petitioner, however 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 learned Judicial Magistrate No.I, Kulithalai, Karur District, within 15 days from today, on his executing a bond for Rs.20,000 (Rupees Twenty Thousand Only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.I, Kulithalai, Karur District,



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(iii) The petitioner shall appear and sign before the respondent police daily at 10.00.am until further orders.

(iv) 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.

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

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

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

(viii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves



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as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala* [(2005)

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13 SCC 283].

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26/10/2023

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/11/2023

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

DAS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KULITHALAI, KARUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
THOGAMALAI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.19301 of 2023

Date :26/10/2023

SS/JGB/SAR- /06/11/2023/5P/5C

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