



CRL OP(MD). No.19328 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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Sarath

... Petitioner/ Accused rank not known

Vs

The State represented by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
Crime No.1301 of 2023

... Respondent/Complainant

For Petitioner : Mr.Muthuram, Advocate
for Mr.R.Maheswaran, Advocate

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.1301 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused (rank not known) who apprehends arrest at the hands of



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the respondent police for the alleged offence punishable under Sections 294(b), 323, 324 and 506(i) of I.P.C. in Crime No.1301 of 2023 on the file of the respondent police, seeks pre-arrest bail.

2. The case of the prosecution is that on 18.10.2023 when the defacto complainant, after dropping his children in school, was going to work at 09.05 a.m. near South Street, the petitioner came in two wheeler from opposite direction and dashed against the vehicle driven by the defacto complainant. When the defacto complainant questioned the petitioner about the incident, he pushed and assaulted the default complainant and threatened him with dire consequences. 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 defacto complainant is a Court Staff working in the Judicial Magistrate Court No.III, Thanjavur. Hence, the defacto complainant filed a false complaint against the petitioner. He further submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. The petitioner has permanent residence at Thanjavur District and therefore, there is no possibility for absconding. Hence, he seeks pre-arrest bail.



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4. The learned Government Advocate (Crl. Side) submitted that in this case, the defacto complainant got injury, admitted in a private hospital and discharged on the same day. 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. 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. Considering the fact that the petitioner has no previous case, considering the nature of injury allegedly caused by the petitioner to the defacto complainant and also the fact that the petitioner has permanent residence and hence, there is no possibility for absconding, 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



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event of his surrender before the Judicial Magistrate (*)No.I, Thanjavur within 15 days from today, on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate (*)No.I, Thanjavur.

(iii) The petitioner shall appear and sign before the respondent police weekly twice i.e., on Monday and Friday at 10 a.m., 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 petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid



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down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) 13 SCC

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283].

sd/-
26/10/2023

(*)Amended as per order of the Court
dt.18.12.2023 in Crl.MP(MD).17749/2023 in
Crl.OP(MD).19328/2023 by VSGJ.

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

TO BE SUBSTITUTED WITH THE ORDER DT.26/10/2023 ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.

2 THE JUDICIAL MAGISTRATE NO.IV
THANJAVUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE
TOWN WEST POLICE STATION, THANJAVUR DISTRICT.

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



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+1 CC to M/s.R.MAHESWARAN, Advocate (SR-18014[I] dated 19/12/2023)

ORDER
IN

CRL OP(MD) No.19328 of 2023

Date :26/10/2023

SS/VRS/SAR- /06/11/2023/5P/6C

AAV

SA/DD/SAR. /22.12.2023/5P/6C

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