



CRL OP(MD). No.19741 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.19741 of 2023

C.Murugan @ Bambai Murugan,

... Petitioner/Sole Accused

Vs

**State Rep.by
The Inspector of Police,
M Kallupatti Police Station,
Madurai District.
Crime No. 172/2023.**

... Respondent/Complainant

**For Petitioner : M/s. Jegadeesh Pandian.V.M,Advocate.
For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Anticipatory Bail in Crime No. 172 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD). No.19741 of 2023

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 341,294(b),324 and 506(ii) of IPC in Crime No. 172 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioner herein along with other accused waylaid the defacto complainant abused him, assaulted him and also threatened with dire consequences, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the injured has been discharged from the hospital, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused waylaid the defacto complainant abused him, assaulted him and also threatened with dire consequences, hence he objected to grant anticipatory bail to the petitioner. However he fairly concedes that injured has been discharged from the hospital and no previous case is pending against the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner and the injured has been discharged from the hospital, this court is inclined to grant anticipatory bail to the

petitioner, with certain conditions:

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.19741 of 2023

6. 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.II, Usilampatti, Madurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.19741 of 2023

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]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI, MADURAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
M KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.19741 of 2023

WEB COPY

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-16000[I] dated 07/11/2023)

ORDER
IN

CRL OP(MD) No.19741 of 2023

Date :06/11/2023

PKP/VRS/SAR- /07.11.2023/ 5P/ 6C

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