



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/01/2023
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22427 of 2022

Samuvel Muthukumar

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Surandai Police Station,
Tenkasi District.
(Crime No.282/2022).

... Respondent/Complainant

For Petitioner : Mr.SUGADEV.T,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

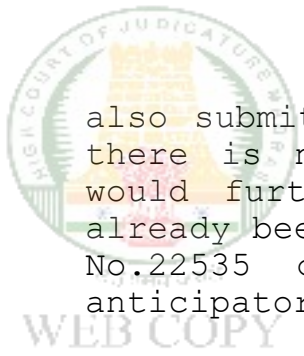
PRAYER :- For Anticipatory Bail in Crime No.282/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 294(b), 323, 307 and 506(ii) IPC in Crime No.282 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to a financial dispute regarding non-payment of chit amount, A1, Ravi along with the petitioner and other accused have assaulted the defacto complainant with hands and also kicked him on his private part resulting in him sustaining injuries and hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that there was a financial dispute between A1 and the de-facto complainant. The de-facto complainant owes money to A1 and thereby, there was a quarrel and that a false complaint has been given, as if A1 along with the petitioner and other accused attempted to commit murder of the de-facto complainant. He would



also submit that the injured has been discharged from hospital and there is no previous case pending as against the petitioner. He would further submit that the co-accused, namely Muthupandi has already been granted anticipatory bail by this Court in Crl.O.P.(MD) No.22535 of 2022, dated 20.12.2022 and hence, he seeks for anticipator bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is an associate of one Ravi, A1, who had financial dispute with the de-facto complainant and due to the same, on 13.12.2022, the accused have joined together in front of the shop of the de-facto complainant and assaulted him and also kicked him on his private part resulting in him sustaining injury. He would also submit that the arrested accused are still in custody. However, he would submit that the injured has been discharged from hospital.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R. and the co-accused has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Alangulam, Tenkasi 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/01/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SURANDAI POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SUGADEV.T Advocate SR.No.211

ORDER

IN

CRL OP(MD) No.22427 of 2022

Date :04/01/2023

SA/VR/SAR.2/10.01.2023/3P/6C