



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P(MD)No.23331 of 2022

WEB COPY

Vijayarajan

...Petitioner / Accused Rank Not Known

-vs-

The State represented by
The Inspector of Police,
Thallakulam Police Station,
Madurai District.
(in Cr.No.863 of 2022)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.863 of 2022.

For Petitioner	:	Mr.S.Rameshkumar, Advocate.
For Respondent	:	Mr.M.Veeranthiran Government Advocate (Crl.side)

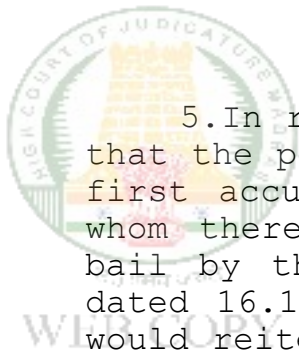
O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPPDL Act in Crime No.863 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Balamurugan, is that on 07.12.2022, the Accused No.1, Satheesh along with four other unknown persons have attacked the de-facto complainant and abused him in filthy language. 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 petitioner's name has been falsely implicated in this case, since he happens to be the friend of the main accused and he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the main accused, namely, Satheesh along with other accused have assaulted the de-facto complainant, Balamurugan, with wooden log and iron rods resulting in him sustaining head injury. He would submit that as far as this petitioner is concerned, there are five previous cases pending.



5. In reply, the learned Counsel for the petitioner would submit that the petitioner's name does not find a place in the FIR and the first accused, Satheesh and the second accused, Prasanth, against whom there are 10 previous cases, have been granted anticipatory bail by the learned Principal Sessions Judge, Madurai, by order, dated 16.12.2022 in Crl.M.P.No.7228 of 2022 and 7284 of 2022. He would reiterate that the petitioner's name does not find a place in the FIR. However, he would also submit that without prejudice to his rights and contentions, the petitioner is ready and willing to pay a sum of Rs.3,000/- to any welfare scheme.

6. Taking into consideration the facts and submissions that the main accused, against whom there are more previous cases pending, have also been granted anticipatory bail and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall pay a sum of Rs.3,000/- to the credit of Madurai Bench of High Court Advocates Association (MBHAA), A/c.No.496038755, IFSC Code:IDB000H40, Branch-High Court, Madurai, for the purpose of purchase of e-law journals, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate-II, Madurai District.

8. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

9. On production of such receipt, 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-II, 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 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 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]**.

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

sd/-

03/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE
ADVOCATES ASSOCIATION (MBHAA)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAMESHKUMAR S, Advocate (SR-233[I] dated 05/01/2023)

ORDER

IN

CRL OP(MD) No.23331 of 2022

Date :03/01/2023

cmr

MK/MMS/SAR III(10.01.2023) 3P 7C