



CRL OP(MD) No.562 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.562 of 2024

ASARAF

... Petitioner / Accused No.3

Vs

THE INSPECTOR OF POLICE
KARAIKUKDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.3/2024)

... Respondent / Complainant

For Petitioner : M/s.T.Veerakumar, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (CrI. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CR.NO.3/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 294(b), 427, 387 and 506(2) of IPC in
Crime No.3 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the de-facto complainant is running a petty shop and on the date of occurrence, the petitioner along with other accused went to the de-facto complainant's shop and took snacks and ate without his permission and not paying money. When the same was questioned by the de-facto complainant, A1 abused the de-facto complainant in filthy language and damaged the shop and also snatched Rs.150/- cash from him. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. However, on instructions, he would further submit that the petitioner, without prejudice to his rights and contentions, is ready and willing to deposit a sum of Rs.5,000/- to the de-facto complainant directly by way of demand draft. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that the petitioner had damaged the petty shop owned by the de-facto complainant. However, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact the petitioner is ready and willing to deposit a sum of Rs.5,000/- to the de-facto complainant by way of demand draft, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Karaikudi, Sivagangai 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

(c) the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) by way of demand draft drawn in favour of the de-facto complainant and also produce the same before the concerned Court while executing sureties. Thereafter, the learned Magistrate shall handover the said demand draft to the de-facto complainant directly;



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(d)the petitioner shall report before the respondent police as and when required for interrogation;

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

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

(g)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]; and;

(h)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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To

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1.The Judicial Magistrate,
Karaikudi, Sivagangai District.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-689[I] dated 12/01/2024)

ORDER
IN

CRL OP(MD) No.562 of 2024

Date :12/01/2024

ED/ JGB /SAR- (22/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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