



CRL OP(MD). No.7174 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7174 of 2024

Mahesh @ Mohana Viswanth

... Petitioner/Sole Accused

Vs.

The State rep. by
The Inspector of Police,
Vadipatty Police Station,
Madurai.

(Crime No.113 of 2024)

... Respondent/Complainant

For Petitioner : Mr.R.RAMANUJAM

Advocate.

For M/s.GANDHI ASSOCIATES

For Respondent : Mr.S.MANIKANDAN,

Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.113 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 447 and 506

(ii) of IPC in Crime No.113 of 2024, on the file of the respondent police, seeks

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anticipatory bail.

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2. The case of the prosecution is that due to civil dispute between the petitioner and the defacto complainant on 26.03.2024 at about 8.20 a.m., there was a wordy quarrel arose between them, in which, the petitioner abused the defacto complainant by using filthy language and also attacked him with iron rod and kicked him in his chest and caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that it is a case in counter. The respondent police has registered the case in Crime No.114 of 2024 under Section 294(b), 323, 427 and 506(ii) IPC as against the defacto complainant. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he seek anticipatory bail.

4. The learned Government Advocate (Crl.Side), on instructions, submitted that it is a case in counter and injured person had already been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also the facts that the injured has already been discharged from the hospital, 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 of receipt of



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a copy of this order, before the learned Judicial Magistrate, Vadipatty, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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 is 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].



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

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229-A IPC.

sd/-
22/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD
TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTY.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
VADIPATTY POLICE STATION,
MADURAI.

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

+1 CC to M/s.M/S.GANDHI ASSOCIATES, Advocate (SR-5759[I] dated 24/05/2024

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ORDER

IN

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Date :22/05/2024

SA/JGB/SAR. /27.05.2024/5P/6C

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