



CRL OP(MD). No.9917 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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Vishwa @ Vishwanathan,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
Crime No.85/2024.

... Respondent/Complainant

For Petitioner : Mr.K.Rajeshwaran,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.85/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 324, 427, 506(ii) of IPC



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and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Cr.No.85 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive between the parties, the petitioner said to have abused the defacto complainant and his family members in filthy language and also assaulted them and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the injured were discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that due to previous motive between the parties, the petitioner said to have abused the defacto complainant and his family members in filthy language and also assaulted them and caused injuries. However, he fairly conceded that two persons were got injuries in the above said occurrence and they were also discharged from the hospital and no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the injured persons were discharged from the hospital and no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to



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the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks 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



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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 thereafter absconds, a fresh FIR can be registered under Section
229-A IPC.

sd/-
05/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-7583[I] dated 08/07/2024)



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ORDER
IN
CRL OP(MD) No.9917 of 2024
Date :05/07/2024

SA/VR/SAR. /16.07.2024/5P/6C

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