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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13973 of 2021

Ajithkumar ... Petitioner/Accused No.3

Vs

State through
The Inspector of Police,
Tallakulam Police Station,
Madurai District.
Crime No.1003/2021. ... Respondent/Complainant

For Petitioner : Mr.Suresh.M,
Advocate.
For Respondent : P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 1003 of 2021 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 alleged offences punishable under Sections 147, 148, 448, 294(b), 323, 324, 427 and 506(ii) IPC in Crime No.1003 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner abused the defacto complainant in filthy language and also attacked him with deadly weapons. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that it is a case of case in counter and the allegation is against accused No.1 alone, the petitioner herein is stated to have accompanied accused No.1.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the victim was admitted in the hospital on 12.09.2021 and on the same day, he absconded from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed 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 No.2, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 respondent police daily at 10.30 a.m., until further orders.

[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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
21/09/2021

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/ /2021

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

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1. THE JUDICIAL MAGISTRATE NO.2,
   MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
   MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
   TALLAKULAM POLICE STATION, MADURAI
   DISTRICT.

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

ORDER
IN
CRL OP(MD) No.13973 of 2021
Date : 21/09/2021

VB/JC/SAR.IV/27.09.2021/3P/5C

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