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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2021
PRESENT
The Hon`ble Mrs.Justice S.ANANTHI
CRL OP(MD). No.15963 of 2021

Muniyandi, ... Petitioner/Sole Accused

Vs

State through,
The Inspector of Police,
Sholavandan Police Station,
Madurai District.
(Crime No. 351 of 2021). ... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy,Advocate.

For Respondent : Mr.Muthu Manickam,
Additional Public Prosecutor.

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

PRAYER :-
For Anticipatory Bail in Crime No.351 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506 (ii) of IPC in Crime No.351 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

3.The case of the prosecution is that due to some wordy quarrel arised between the petitioner and the defacto complainant, the petitioner/accused abused the de-facto complainant using filthy language and assaulted him by using knife and also caused injuries. Hence, the complaint.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that a case in counter also filed in this regard and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.

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5.The learned Additional Public Prosecutor, on instructions, submitted that the injured has been discharged from the hospital. He further submitted that one previous case is pending against the petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that except the offence under Section 506(ii) of IPC, all other offences are bailable in nature and the fact that the injured has been treated as out patient, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatty, and on his executing 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 Aadhar cards or Bank pass Books to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required by the respondent police;

(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]**; and

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/10/2021

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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.

TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTY.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

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

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

ORDER
IN
CRL OP(MD) No.15963 of 2021
Date :12/10/2021

PKP/VR/SAR- 1/21.10.2021/3P/5C

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