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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18263 of 2021

Rengaraj

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Uppiliapuram Police Station,
Trichy District.
(Crime No.475/2021).

... Respondent/Complainant

For Petitioner : M/s.S.Muthumalai Raja, Advocate.

For Respondent : M/s.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.475/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b) and 506(ii) of IPC in Crime No.475 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that a wordy quarrel arose between the petitioner, his brother and the defacto complainant. In the incident, the petitioner and his brother had threatened the defacto complainant with iron rod by asking the whereabouts of the defacto complainant's husband and that the petitioner and his brother have threatened the defacto complainant with dire consequences. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner's brother is doing real estate business and a wordy quarrel arose between them due to brokerage dispute. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him.

4. The learned Government Advocate (Crl. Side) would submit that no one was injured in the incident. The first accused was arrested and released on bail.

5. Considering the above facts and circumstances of the case and also the fact that no one was injured, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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 learned Judicial Magistrate, Thuraiyur, Trichy District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 one month 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 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.

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Sd/-
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/ /2021

Sub-Assistant Registrar (C.S.II)
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,
THURAIYUR, TRICHY DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
UPPILIAPURAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MUTHUMALAI RAJA S Advocate SR.No.829

ORDER
IN
CRL OP(MD) No.18263 of 2021
Date :23/11/2021