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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18728 of 2021

Sarathkumar

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
T.Ramanatahpuram Police Station,
Madurai District.
(Crime No.70 of 2021).

... Respondent/Complainant

For Petitioner : M/s.A.Karthick Kumar, 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.70 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 364 (A) I.P.C, in Cr.No.70 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 29.10.2021, the accused persons had assaulted and kidnapped the husband of the defacto complainant. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that the petitioner is only an acting driver and does not have knowledge about the occurrence. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would admit the fact that the petitioner is only an acting driver and does not have knowledge about the occurrence and that the investigation is not yet completed and that the co-accused was already released on bail. He would further submit that in this case they have filed an alteration report, adding three accused, including the present petitioner, as A2 to A4 and deleting the accused A1, Kalai @ Kaliyappan.

5.Considering the nature of charges alleged against the petitioner and also the facts that the first accused was arrested and released on bail by the jurisdictional Magistrate and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain 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 No.II, Usilampatti 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 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.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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 NO.II,
USILAMPATTI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
T.RAMANATAHPURAM POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KARTHICK KUMAR A Advocate SR.No.37473

ORDER
IN
CRL OP(MD) No.18728 of 2021
Date :03/12/2021

SP/CN/SAR III/10/12/2021/3P/6C

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