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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.12.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.19663 of 2021

L.Murugaraj

... Petitioner/
Accused Rank Not Mentioned in FIR

Vs

The State of Tamilnadu,
represented by
The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
(Crime No.664 of 2021)

... Respondent

For Petitioner : Mr.R.Narayanan
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.664 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 Sections 147, 148, 294(b), 324, 336, 353 and 506(2) IPC in Crime No.664 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.10.2021, there was some dispute arose between two groups in the petitioner's village, with regard to the erection of Flex Board, due to which, the petitioner and the other accused attacked the police officials and caused injuries. Hence, the complaint.



3.This is the second petition for anticipatory bail and the earlier petition filed by the petitioner was dismissed by this Court on 17.11.2021 in Crl.O.P.(MD)No.17115 of 2021.

4.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the injured was already discharged from the hospital and that all the accused were arrested and released on bail by the learned Judicial Magistrate.

6.Considering the facts and circumstances of the case and also the facts that the injured was already discharged from the hospital, that all the accused were arrested and released on bail by the learned jurisdictional Magistrate and that the petitioner is not having any previous cases for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.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, Papanasam, Thanjavur District, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

(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]***; and;

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

sd/-

10/12/2021

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

CSM

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,
Papanasam, Thanjavur District.
- 2.Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-9094[I] dated 10/12/2021)

ORDER IN
CRL OP(MD) No.19663 of 2021
Date : 10.12.2021

TR/VR/SAR-I(20.12.2021) 3P 6C