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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2290 of 2022

Prabu,

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Taluk Police Station,
Thanjavur District.
Cr.No.1053 of 2021.

... Respondent/Complainant

For Petitioner : MR.Kannan K, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1053 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 427, 506(ii) and 379 IPC, in Crime No.1053 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioner along with others trespassed into the de-facto complainant's house with weapons, abused him in filthy language, attacked the defacto complainant and his family and caused injuries. Hence the 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 case in counter in Crime No.1052 of 2021 is pending.



4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the injured has already been discharged from the hospital.

5.Considering the facts that there existed previous enmity between the parties, that the injured was discharged from the hospital, that the case in counter in Crime No.1052 of 2021 is pending and also the fact that except the offences under Sections 506(ii) and 324 IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Thanjavur.

7.On production of such receipt/acknowledgment, 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, Thanjavur, 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 am 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/-
18/02/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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,
THANJAVUR
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
TALUK POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU
SECRETARIAT BRANCH,
CHENNAI -9.

ORDER
IN
CRL OP(MD) No.2290 of 2022
Date :18/02/2022

PKP/JM/SAR-4/24.02.2022/3P/6C