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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4004 of 2022

1. Saravanan
2. Anand
3. Kaviarasan @ Kaviarasu
4. Siva Karthikeyan @ Siva Karthik ... Petitioners/Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Namanasamuthiram Police Station,
Pudukkottai District.
Crime No.22 of 2022. ... Respondent/Complainant

For Petitioner : MR.A.Arun Prasad,
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.22 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(ii) of IPC, in Crime No.22 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioners waylaid the defacto complainant and assaulted him and also caused injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that after filing of this petition, A2 to A4 were already arrested and released on bail by the Jurisdictional Magistrate. He would further submit that the case in counter in Crime No.23 of 2022.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital.

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5.Since the petitioners 2 to 4 were already arrested and released on bail, this petition is dismissed as against the petitioners 2 to 4 are concerned.

6.Considering the facts and circumstances of the case and also considering the fact that no one was injured in this case, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature, that the counter case in Crime No.23 of 2022 is pending and also the fact that the co-accused were already released on bail by the Jurisdictional Magistrate, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7.Accordingly, the first petitioner is ordered to be released on bail in the event of his 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, Thirumayam, on condition that the first 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 first 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 first 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 first petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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.

sd/-
01/03/2022

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/ /2022

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.

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TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
NAMANASAMUTHIRAM POLICE STATION, PUDUKKOTTAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4004 of 2022
Date :01/03/2022

SJI
MK/PN/SAR.IV/09.03.2022/3P/5C

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