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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4729 of 2022

Backiyaraj ... Petitioner/Accused No.4

Vs

State represented by
The Inspector of Police,
Vadamadurai Police Station,
Vedasanthur Taluk,
Dindigul District.
(Crime No.45 of 2021) ... Respondent/Complainant

For Petitioner : Mr.V.Muthu Samundeeswaran,
Advocate.
For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).
For Intervenor : Mr.N.Anandakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.45 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, 294(b), 323, 324 and 506(2) IPC, in Crime No.45 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioner along with other accused attacked the defacto complainant's mother-in-law. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the other accused were already granted anticipatory bail by this Court in Crl.O.P.(MD)Nos.3778 & 3894 of 2021 dated 11.03.2021 and 12.03.2021 respectively.

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4.Mr.N.Ananda Kumar, learned counsel appearing on behalf of the defacto complainant has raised his objections for granting anticipatory bail.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is not having any previous cases.

6.Considering the facts that there existed property dispute between the parties, that the other four accused were already granted anticipatory bail by this Court and that except the offence under Section 506(2) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Vedasanthur, Dindigul, 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 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].**

[**f**]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/03/2022

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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,
   VEDASANTHUR, DINDIGUL DISTRICT.

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

3. THE INSPECTOR OF POLICE,
   VADAMADURAI POLICE STATION,
   VEDASANTHUR TALUK,
   DINDIGUL DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4729 of 2022
Date :11/03/2022

USK/PN/SAR-III/16.03.2022/3P/5C

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