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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7157 of 2022

1.Karthikeyan
2.Gobi ... Petitioners/Accused 1 & 3

Vs

State represented by
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.238 of 2022) ... Respondent/Complainant

For Petitioners: Mr.J.Anandkumar, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.238 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 427 and 307 IPC, in Crime No.238 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there existed some disputes between the first petitioner and the defacto complainant, due to that, on 27.03.2022, the defacto complainant and his friends assaulted the petitioners and that therefore on 29.03.2022, the petitioners and other accused abused the defacto complainant and his friends in filthy language and also assaulted them with aruval and damaged the windshield of the ambulance. Hence, the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the second accused was already arrested and released on bail.

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

5.Considering the facts that there existed previous enmity between the parties, that the injured was already discharged from the hospital, that except the offence under Section 307 IPC, all other offences are bailable in nature and that the second accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each 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 their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Karur.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

Sd/-
19/04/2022

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/ /2022

Sub-Assistant Registrar (C.S.II)
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 NO.I,
   KARUR.

2. -DO- THROUGH
   THE CHIEF JUDICIAL MAGISTRATE,
   KARUR DISTRICT.

3. THE INSPECTOR OF POLICE,
   KARUR TOWN POLICE STATION,
   KARUR DISTRICT.

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

COPY TO:

   THE OFFICER INCHARGE,
   CHIEF MINISTER PUBLIC RELIEF FUND,
   SECRETARIAT, CHENNAI-9.

+1. CC to M/S.ANANDKUMAR J Advocate SR.No.19323

ORDER
IN
CRL OP(MD) No.7157 of 2022
Date :19/04/2022

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SP/SVR/SAR II/25/04/2022/3P/7C