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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29.04.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.8306 of 2022

Marimuthu @ Maripandi ... Petitioner/Accused No.7

Vs

State represented by its
The Inspector of Police,
Vadipatty Police Station,
Madurai District.
(Crime No.103 of 2022) ... Respondent/Complainant

For Petitioner : M/s.T.A.Ebenezer,
Advocate.
For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-
For Anticipatory Bail in Crime No.103 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.7, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 342, 294(b), 323, 324 and 506(2) IPC, in Crime No.103 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner and other accused had attacked the defacto complainant, abused him and also threatened him. 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.

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

5.Considering the facts that the injured was already discharged from the hospital, that except the offence under Section 506(2) IPC,

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all other offences are bailable in nature and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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, Vadipatty, 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/-
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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.

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TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
VADIPATTY POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-4280[I] dated 02/05/2022)

ORDER
IN
CRL OP(MD) No.8306 of 2022
Date :29/04/2022

SS/SVR/SAR:II/10.05.2022 : 3P/6C

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