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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.05.2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.9154 of 2022

Dhiwahar

... Petitioner/Accused No.5

Vs

State Rep. by
The Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(Crime No.135 of 2022). ... Respondent/Complainant

For Petitioner : Mr.Balaji.A, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.135/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341 and 394 of IPC, in Crime No.135 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a retail fish seller. On 06.05.2022 at about 03.00 a.m, when he was riding his two wheeler to the Pudukkotai market, the petitioner along with others way laid him and beaten him indiscriminately and they robbed Rs.7,500/-. Hence, the complaint.

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3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence

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as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that no previous case is pending against the petitioner.

5.Taking note of the facts and circumstances of the case and also taking note of the fact that no previous is pending against the petitioner, 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 Judicial Magistrate, Alangudi, 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 respondent police on every Saturday at 10.30 a.m until further orders.

[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].**

Sd/-
18/05/2022

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

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TO

1. THE JUDICIAL MAGISTRATE,
   ALANGUDI.

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

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

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

ORDER
IN
CRL OP(MD) No.9154 of 2022
Date :18/05/2022

SP/PN/SAR I/23/05/2022/3P/5C

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