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CRL.OP(MD).



22

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

Date : 19/05/2022

PRESENT

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

CRL.OP(MD).No.9595 of 2022

S.Syed Raja

... Petitioner/Accused Rank Not Known

Vs.

The State represented by
The Sub Inspector of Police,
Thallakulam Police Station,
Madurai City.
(Cr.No.312 of 2022)

... Respondent/Complainant

For Petitioner : Mr.C.Gangai Amaran,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

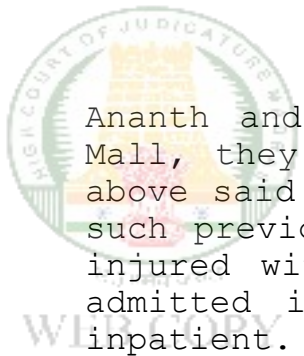
For Anticipatory Bail in Crime No.312 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused Rank Not Known, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 307 and 506(2) of IPC., in Crime No.312 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.04.2022, the son of the defacto complainant namely Gowtham went to celebrate Alagar temple festival during the midnight hours at Madurai City. While

<https://www.mhc.tn.gov.in/judis>



Ananth and his friends were proceeding on the backside of the Mall, they identified the injured, who happened to be attacked the above said Ananthan and his friends in the earlier occasion. Due to such previous motive, the said Ananth and his friends attacked the injured with deadly weapons and he sustained injuries and he was admitted in the Govt. Rajaji Hospital and took treatment as an inpatient. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that co-accused have already been released on bail and hence, he prays for anticipatory bail to the petitioner.

4. The Additional Public Prosecutor submits that though the victim was discharged from the Govt. hospital, he is taking treatment in a private hospital. He would further submit that co-accused have already been released on bail.

5.Considering the fact that investigation is almost completed and co-accused were already released on bail, 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 No.II, Madurai, 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 eight weeks 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]**.

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19/05/2022

(*)BEING MENTIONED, AS PER THE ORDER OF THIS HONOURABLE COURT DATED 03/01/2023 IN CRL OP(MD) NO.9595 OF 2022 BY ADJCJ.

The time for surrender and for execution of sureties by the petitioner is extended for a further period of two weeks from the date of receipt of a copy of this order.

/ TRUE COPY /

03/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 19/05/2022 ALREADY DESPATCHED.

- 1 THE JUDICIAL MAGISTRATE NO.III
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE SUB INSPECTOR OF POLICE
THALLAKULAM POLICE STATION, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9595 of 2022
Date :19/05/2022

SS/JM/SAR:I/01.06.2022 : 3P/5C
CMR
USK/VR/SAR- /03.01.2023/3P/5C