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CRL OP(MD). N



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

Date : 08/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10006 of 2022

1. Ganesan

2. Dhanalakshmi

3. Swetha

... Petitioners/Accused 1 to 3

Vs

State Rep.by
The Inspector of Police,
Karimedu Police Station,
Madurai.
Crime No.383 of 2022.

... Respondent/Defacto Complainant

For Petitioner : M/s.Mohamed Sherbudeen M,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.383 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, and 506(i) IPC, in Crime No.383 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with others said to have assaulted the defacto complainant with wooden log and threatened him with dire consequences and caused injuries to him. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

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

5.Considering the fact that there existed disputes between the petitioners and the defacto complainant and also the facts that the injured was already discharged from the hospital and that except the offence under Section 506(ii) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, 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.5, Madurai**, 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 first petitioner 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 and the petitioners 2 and 3 shall report before the respondent police 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;



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

sd/-

08/06/2022

(*)Amended as per order of this Court dated 23.06.2022 in CrI.MP(MD)No.7043 of 2022 in CrI.OP(MD)No. 10006 of 2022 by GIJ

The Time is extended by 15 days to execute the sureties before the concerned Court, from the date of receipt of a copy of this order.

/ TRUE COPY /

/07/2022

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

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

TO BE SUBSTITUTED WITH THE ORDER DATED 08/06/2022 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE NO.5,MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.4,MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 4 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION,MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1 CC to M/S.S.ASHOCK, Advocate (SR-6171[I])

ORDER

IN

CRL OP(MD) No.10006 of 2022

Date :08/06/2022

RS/VR/SAR.2 (10.06.2022) 3P-6C

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PKP/JM/SAR-2/06.07.2022/3P/7C