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

Date : 19/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.12929 of 2022

M.K.Muthukkumaran ... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
M.Chatrapatti Police Station,
Madurai District.
(Crime.No.42 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Pon Karthikeyan R, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.42 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 452, 323 and 506(ii) of I.P.C, and Section 4 of TNPWH Act, in Crime No.42 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the earlier anticipatory bail application filed by the petitioner in Crl.OP(MD)No.9662 of 2022, was dismissed by this Court, dated 27.06.2022, on the ground that he is involved in Crime No.263 of 2018 on the file of the Inspector of Police, Oomachikulam, Madurai District. After dismissal of the above said petition, the second anticipatory bail petition has been filed on the ground that when he moved Crl.OP.No.1644 of 2021 & Crl.MP(MD)No.786 of 2021, seeking quashment & stay all



further proceedings in Crime No.263 of 2018 pending disposal of the petition, investigation was ordered to be undertaken and filing of final report was stayed.

3. According to the learned counsel for the petitioner, since *prima facie* ground has been made out by him, during the pendency of the above said petition, earlier crime may not be taken into account. Since, the co-accused has already been released on anticipatory bail by this Court, the petitioner also standing in the very same footing. Hence, the same benefit may be extended to this petitioner also.

4. In view of the above development, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
19/07/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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.



WEB COPY

1. THE JUDICIAL MAGISTRATE NO.V,
MADURAI.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
M.CHATRAPATTI POLICE STATION,
MADURAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PON KARTHIKEYAN R Advocate SR.No.7366

ORDER
IN
CRL OP(MD) No.12929 of 2022
Date :19/07/2022

SP/JM/SAR III/27/07/2022/3P/6C