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CRL OP(MD).N



22

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

Date : 07/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.13583 of 2022

Saravanan

... Petitioner/Accused No.1

Vs

The State represented by
The Sub Inspector of Police,
Devakottai Taluk Police Station,
Trichy City.
(Crime No.128/22).

... Respondent/Complainant

For Petitioner : Mr.K.Rajeswaran, Advocate.

For Respondent : Mr.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.128/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 323, 353 and 506(i) of IPC, in Cr.No.128 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A1 and other accused have threatened the defacto complainant and another driver, attacked them with hand and weapons and criminally injured them, to drive the bus into their village. Hence a case

<https://www.mca.gov.in>



has been registered against the petitioner and other two persons.

3.The learned counsel for the petitioner submitted that the petitioner/A1 has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case and pray the petitioner to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that there are three accused in this case. The second and third accused has already got anticipatory bail before the learned Judicial Magistrate, Devakottai. The first accused is having one previous case in the similar nature and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case, considering the nature of the offence and also the fact that the co-accused have been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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



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

sd/-
07/09/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION,
TRICHY CITY.

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

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-9812[I] dated 08/09/2022)
ORDER
IN
CRL OP(MD) No.13583 of 2022
Date :07/09/2022

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PKP/SBN/SAR-1/13.09.2022/3P/6C