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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.14130 of 2022

Tamilselvan

... Petitioner/Accused Rank Not Known

Vs

State Rep.by

The Inspector of Police,

Musiri Police Station,

Trichy District.

Crime No.254 of 2022..

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.254 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 341, 353 IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.254 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 31.07.2022, the accused persons intercepted the Government Bus bearing registration No.TN 45 N 3882 with their bikes, due to which, wordy quarrel arose between them and they also damaged the bus front glass window, to the tune of Rs.22,500/-. Hence, the complaint.

3. On the side of petitioner, it is stated that the petitioner is innocent and no way connected with the offence. The petitioner is arrayed as A1. A false case was foisted against him. Hence, prayer to release the petitioner on anticipatory bail.

<https://www.mhcy.gov.in/judis>



4. On the side of prosecution, it is stated that in this case, there are totally three accused. The petitioner is arrayed as A1. The defacto complainant is the bus driver. The accused persons caused damages to the tune of Rs.22,500/-. The co-accused are still absconding. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case and nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner shall **pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950**, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

7. On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Musiri, 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 on further conditions that:

(a) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 am until further orders;

(c) the petitioner shall not tamper with the 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 Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f)if the accused/ petitioner thereafter absconds, a i [R
can be registered under Section 229-A IPC.

sd/-
28/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
MUSIRI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
MUSIRI POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE HEADMISTRESS,
MDU EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI ,
MADURAI .

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-12062[I] dated
28/10/2022)

ORDER
IN
CRL OP(MD) No.14130 of 2022
Date :28/10/2022

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PKP/GB/SAR-1/04.11.2022/3P/7C