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CRL OP(MD). N



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

Date : 14/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15065 of 2022

Divakar ... Petitioner/Accused Rank No.2
Vs

The State rep.by,
The Inspector of Police,
Vikkiramangalam Police Station,
Madurai District.
Crime No.109 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Eswaran.M, 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.109 of 2022 on the file of the
Respondent Police.

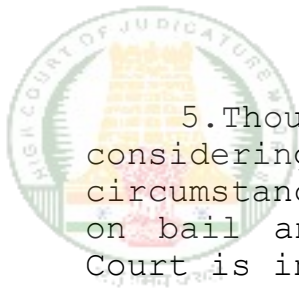
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
294(b), 323, 324, 506(ii) IPC, in Crime No.109 of 2022, on the file
of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons
assaulted the defacto complainant and abused him in filthy language,
assaulted him without any reason, thereby, he sustained simply
injury. Hence, the complaint.

3. On the side of the petitioner, it is stated that the
petitioner is innocent and has not committed any such offence, as
alleged by the prosecution. The co-accused were already enlarged on
bail. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that there are
totally three accused in this case and the petitioner is arrayed as
A2 in this case. petitioner is having one previous case and the
injured sustained grievous injury, discharged from the hospital and
prayed to dismiss the petition.



5. Though the petitioner is having one previous conviction, considering the nature of the case, considering the facts and circumstances of the case, that the co-accused were already enlarged on bail and that the injured discharged from the hospital, this Court is inclined to grant anticipatory bail to him.

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6. Accordingly, 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 learned Judicial Magistrate, Usilampatti, 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 Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-

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

pnm

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TO

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

ORDER
IN
CRL OP(MD) No.15065 of 2022
Date :14/09/2022

RK/SVR/SAR-II(20/09/2022) 3P/5C