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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15978 of 2022

Venkatesan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Keelasevalpatti Police Station,
Sivagangai District.
Crime No.42 of 2022.

... Respondent/Complainant

For Petitioner : M/s.N.Gayathri,
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.42 of 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), 506(i) and 109 IPC, in Cr.No.42 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioner along with A2 abused the de-facto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3.On the side of the petitioner, it is stated that A2 was already released on bail. Due to previous motive, a false case has been foisted against the petitioner and prayed the petitioner to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that totally there are 2 accused in this case. The petitioner is A1 and A2 was already released on bail. Due to previous motive, the petitioner along with A2 abused the de-facto complainant in filthy language and threatened him with dire consequences and the prosecution



raised serious objection to release the petitioner on anticipatory bail.

5. Considering the nature of the offence and on considering the fact that A2 was already 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate Court, Thirupathur, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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/-

05/09/2022

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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, 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPATHUR, SIVAGANGAI DISTRICT.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KEELASEVALPATTI POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. GAYATHRI N Advocate SR.No.9725.

ORDER
IN
CRL OP(MD) No.15978 of 2022
Date :05/09/2022

SJI
MK/VR/SAR.II/12.09.2022/3P/6C