



WEB COPY



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.16534 of 2022

Sundar

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Ramjee Nagar Police Station,
Trichy District.
(Crime No.96 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Yamuna R, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.96 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 147, 148, 294(b), 427, 324, 307, 506(ii) IPC, in Crime No.96 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 04.04.2022 at about 02.00PM, the accused persons criminally trespassed into the defacto complainant's property with deadly weapons and scolded in filthy language and damaged CCTV Camera and glasses worth about Rs.15,000/- and brutally assaulted him and also threatened him with dire consequences. Hence, the complaint.



3. On the side of the petitioner, it is stated that a false case was foisted against the petitioner. This petitioner is arrayed as A15. Based on the confession of A14, this petitioner was impleaded in this case. A4, 5, 6 were already enlarged on bail by this Court. Hence, prays to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the co-accused were already enlarged on bail. Though the petitioner is not having any bad antecedent, there are sufficient materials to implead this petitioner in this case and hence, prays to dismiss the petition.

5. Considering the nature of the offence, that the co-accused were already enlarged on bail and that the petitioner is not having any antecedent at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

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 learned Judicial Magistrate No.III, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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.

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Sd/-
14/09/2022

/09/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.III
TRICHY.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
RAMJEE NAGAR POLICE STATION,
TRICHY.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.YAMUNA R Advocate SR.No.10093

ORDER
IN
CRL OP(MD) No.16534 of 2022
Date :14/09/2022

SP/SVR/SAR I/20/09/2022/3P/6C