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

Date : 20/09/2022

PRESENT

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

CRL OP(MD) . No.16686 of 2022

1. Sasikumar
2. Dharmaraj @ Darmarasu ... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
Udaiyalipatti Police Station,
Pudukkottai District.
(Crime No.133 of 2022). ... Respondent/Complainant

For Petitioners : M/s.Arunraj K, Advocate.

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

For Intervenor : Mr.M.Rajarajan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.133 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324 and 506(ii) IPC, in Crime No.133 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 10.09.2022, the petitioners scolded the defacto complainant by using filthy language and also assaulted him. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

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4.The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital and the petitioner/A1 is having one previous case under 302 IPC and the second petitioner is having no previous case.

5.Since the first petitioner is having one previous case, this petition is dismissed as against the first petitioner/A1 is concerned.

6.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6.Accordingly, the second petitioner is ordered to be released on bail in the event of their 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, Keeranur, on condition that the second 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 second 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 second petitioner shall report before the respondent police daily at 10.30 am until further orders.

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

(d)the second petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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)**



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

Sd/-
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/06/2022

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

SJI

Note : In view of the present lock down owing to COVID-19 pandemic, 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.

TO

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

ORDER
IN
CRL OP(MD) No.16686 of 2022
Date :20/09/2022

SP/GB/SAR II/29/09/2022/3P/5C