



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

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PRESENT

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

CRL OP(MD). No.16839 of 2022

P.Arumugam

... Petitioner/Accused Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Thirukurungudi Police Station,
Tirunelveli District
(Crime No.6 of 2014)

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar, Advocate.

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

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

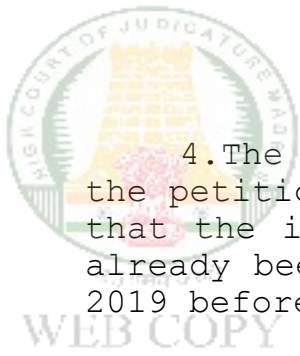
PRAYER :-To enlarge the petitioner on bail in the event of his arrest in charge sheet in P.R.C.No.33 of 2019 on the file of the learned Judicial Magistrate, Valliyur.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 354, 307 and 506(ii) IPC, in C.C.226 of 2018, on the file of the learned Judicial Magistrate, Valliyur, in Crime No.6 of 2014, seeks anticipatory bail.

2.The case of the prosecution is that on 26.01.2014, while the defacto complainant standing near the tea shop, a vehicle was crossed in very high speed and also tried to hit the defacto complainant and the same was questioned by the defacto complainant, the accused persons assaulted him by using iron rod. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the respondent police has completed the investigation and also filed a charge sheet before the Judicial Magistrate, Valliyur in P.R.C.No.33



4.The learned Government Advocate(Crl.Side) would submit that the petitioner is having one previous case. He would further submit that the investigation has been completed and the charge sheet has already been filed and the same was taken on file in P.R.C.No.33 of 2019 before the Judicial Magistrate, Valliyur.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also the fact that the charge sheet has already been filed before the concerned Court and the same was taken on file in P.R.C.No.33 of 2019, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Valliyur, 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 Judicial Magistrate, Valliyur on all hearing dates without fail.

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

(d)the 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 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/-

20/09/2022

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/10/2022

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 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,
VALLIYUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUKURUNGUDI POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16839 of 2022
Date :20/09/2022

SJI
MK/VR/SAR.II/30.09.2022/3P/5C