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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2022

PRESENT

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

CRL OP(MD) . No.17058 of 2022

Baskar @ Baskaran

... Petitioner/1st Accused

Vs

State rep.by

1. The Deputy Superintendent Of Police,
Aranthangi Sub Division,
Aranthangi, Pudukkottai District.

2. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

(Crime No.299 of 2010).

... Respondents/Complainants

For Petitioner : M/s.Balakrishnan R,

For Respondents : 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.299 of 2010 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police, in pursuant to NBW issued by the Special Court for Exclusive Trial of SC/ST POA Cases, Pudukottai in Spl.SC No.50 of 2019, in Crime No.299 of 2010, seeks anticipatory bail.

2.Today, when the matter was taken up for hearing, on the side of the petitioner, it is stated that the case against the petitioner is a split-up case and due to absence of the petitioner, NBW was issued against him. The main case was ended in acquittal. Hence, prayed to release him on anticipatory bail.



3. It is submitted by the prosecution that during the pendency of trial, the petitioner went to abroad, over which, NBW issued against him. The case against the petitioner was split-up against him. The case is pending for appearance of the petitioner. Hence, prays to dismiss the petition.

4. Considering the facts and circumstances of the offence, considering the fact that the case against the petitioner is a split-up case and the main case was ended in acquittal and the fact that the petitioner is not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner shall deposit a sum of **Rs.3,000/- (Rupees Two Thousand only) each to the credit of the Advocate Welfare Fund, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

6. On production of such receipt/acknowledgment, 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 Judicial Magistrate, Aranthangi, 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 trial Court on all hearings without fail;

(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/-
23/09/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
ARANTHANGI SUB DIVISION, ARANTHANGI,
PUDUKOTTAI DISTRICT.
4. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE, THE ADVOCATE WELFARE
FUND, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.17058 of 2022
Date :23/09/2022