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CRL OP(MD).N



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

Date : 26/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.17138 of 2022

1.Periyasamy
2.Arichandran @ Arjun
... Petitioners/Accused Nos.3 and 4

Vs

The State represented by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(Crime No.329/22) ..

... Respondent/Complainant

For Petitioners: M/s.J.Senthil Kumaraiah
Advocate.

For Respondent : 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.329/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.3 and 4 who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 147, 294(b), 353, 506(i) of IPC in Cr.No.329 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that on 17.08.2022 at about
3.30 pm, while the defacto complainant, who was a practicing duty
Doctor, giving treatment to his patients, the accused persons came
to the clinic, harassed and threatened him and his staff, thereby, prevented
<https://www.mca.gov.in>



them from doing their duty. Hence the complaint.

3. On the side of the petitioners, it is stated that earlier petition was dismissed on the ground that the petitioners were having 4 and 2 cases respectively in their credit, whereas the petitioners are having only one previous case and pray the petitioners to be released on anticipatory bail.

4. On the side of the prosecution it is stated that at the time of making submission in the earlier petition, it was wrongly mentioned that the petitioners are having 4 and 2 previous cases respectively. In reality, the petitioners are having one previous case in Crime No.69 of 2022 and the prosecution filed an affidavit to that effect.

5. Considering the nature of the offence, considering the affidavit filed by the prosecution and considering the fact that prosecution has not taken any steps to arrest the petitioners so far, this Court is inclined to release the petitioners on anticipatory bail on the following conditions:

6. Accordingly, the petitioners are 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 No.I, Usilampatti, 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 petitioners 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 petitioners shall report before the Judicial Magistrate daily at 10.30 am for a period of 30 days and thereafter, as and when required for interrogation.

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

(d) the petitioners 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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble



55601; and;

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

sd/-
26/09/2022

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/10/2022

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

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TO

1.The Judicial Magistrate No.I, Usilampatti.

2. Do Through The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-10594[I] dated
27/09/2022)

ORDER

IN

CRL OP(MD) No.17138 of 2022

Date : 26/09/2022

TR/GB/SAR-I(30.09.2022) 3P 6C