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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2022

PRESENT

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

CRL OP(MD). No.17371 of 2022

Ayyankalai

... Petitioner/Accused No.7

Vs

The State Rep.by
The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
Crime No.78 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Durai Pandian.K.S.,
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.78 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.7, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(i) IPC, in Cr.No.78 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute between the parties, the petitioner and other accused unlawfully assembled and abused de-facto complainant in filthy language and attacked him with hands and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-

<https://www.mca.gov.in/judis> have already obtained anticipatory bail by the Principal



District Court, Sivagangai in Crl.M.P.No.3991 of 2022 dated 14.09.2022.

4.The learned Government Advocate(Crl.Side) would submit that due to family dispute between the parties, the petitioner and other accused attacked the de-facto complainant with hands and the injured was discharged from the hospital. He would further submit that the petitioner is having no previous case. The investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and also the fact that no previous case is pending against the petitioner and the co-accused have already obtained anticipatory bail by the Principal District Court, Sivagangai, this Court is inclined to grant anticipatory bail to the petitioners 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 District Munsif cum Judicial Magistrate, Singampunari, 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 respondent police daily at 10.30 am until further orders.

(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 FIF registered under Section 229-A IPC.

sd/-
29/09/2022

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/10/2022

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

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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 District Munsif cum Judicial Magistrate,
Singampunari.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.17371 of 2022

Date :29/09/2022

RD/TR(11/10/2022) 3P 5C