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CRL OP(MD). N



22

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.17433 of 2022

1. Mookaiah

2. Karthick @ Karthick Kannan

3. Manikandan @ Manikanda Prabu

... Petitioners/Accused No.1 to 3

Vs

The State rep.by,  
The Inspector of Police,  
S.S Colony Police Station,  
Madurai District.  
Crime No. 1879 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Sulthan Basha.J, Advocate

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

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

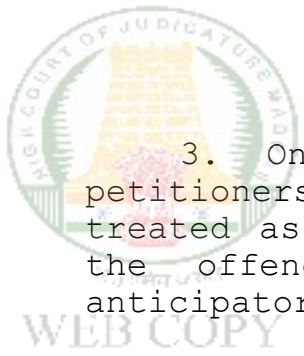
PRAYER :-

For Anticipatory Bail in Crime No. 1879 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(ii) I.P.C, in Crime No.1879 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to money dispute, on 22.09.2022, the accused persons abused the defacto complainant and assaulted him with hands and also criminally threatened him with dire consequences. Hence, the complaint.



3. On the side of petitioners, it is stated that the petitioners are arrayed as A1, A3 in this case. The injured was treated as out-patient. The petitioners are noway connected with the offence. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioners are not having any bad antecedent at their credit. In this case, totally three accused, injured was treated as out patient and investigation is not yet completed and hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case, that the injured was treated as out-patient and also considering the fact that the petitioners are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.V, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10:30 am., until further orders;

(c) the petitioners shall not tamper with the 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 petitioners 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 Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-  
29/09/2022

/ TRUE COPY /

/10/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.
3. THE INSPECTOR OF POLICE,  
S.S COLONY POLICE STATION,  
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.SULTHAN BASHA, Advocate ( SR-10766[I] dated  
29/09/2022 )

ORDER  
IN  
CRL OP(MD) No.17433 of 2022  
Date : 29/09/2022

PKP/SVR/SAR- (07/10/2022) 3P/6C