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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.17438 of 2022

Kannan

... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
Crime No.1627 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T, Advocate.

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

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

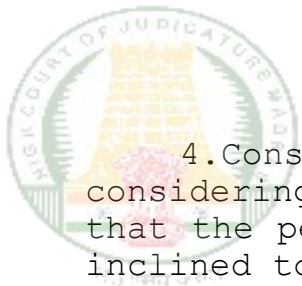
PRAYER :-For Anticipatory Bail in Crime No.1627 of 2020 on the file of the Respondent Police.

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 Judicial Magistrate, Aranthangi in CC No.56 of 2022, in Crime No.1627 of 2020, seeks anticipatory bail.

2.Today, when the matter was taken up for hearing, on the side of the petitioner, it is stated that due to absence of the petitioner, NBW was issued against him by the trial Court on 18.04.2022. The petitioner is not aware of the pendency of the case. Hence, prayed to release him on anticipatory bail.

3.It is submitted by the prosecution that the petitioner is not having any bad antecedent. The trial Court has issued NBW against the petitioner on 18.04.2022 and the case in C.C.No.56 of 2022, on the file of Judicial Magistrate, Aranthangi is pending for appearance of the petitioner. Hence, prays to dismiss the petition.



4. Considering the facts and circumstances of the offence, considering the duration of absence of the petitioner and the fact that the petitioner is not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner.

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5. Accordingly, this Criminal Original Petition is allowed and 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.

sd/-

29/09/2022

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-10811[I] dated
30/09/2022)

ORDER

IN

CRL OP(MD) No.17438 of 2022

Date :29/09/2022

PNM

MK/SVR/SAR. /07.10.2022/3P/6C