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

Date : 12/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.17576 of 2022

K.Karthik

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(Crime No.153 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karuna V, Advocate.

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

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

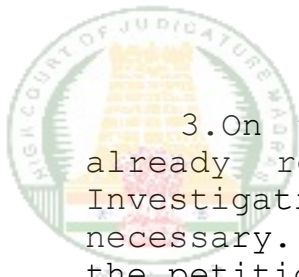
PRAYER :-

For Anticipatory Bail in Crime No.153 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 506(ii) and 379 IPC, in Cr.No.153 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 25.08.2022, the petitioner and another accused abused the de-facto complainant in filthy language and attacked with hands and stones and at that time, the de-facto complainant has misplaced his mobile phone and one sovereigns of gold chain. Hence, the complaint.



3. On the side of the petitioner, it is stated that he was already released on bail by the Sessions Court, Sivagangai. Investigation is almost over and custodial interrogation is not necessary. The petitioner is only A1 and he is innocent and prayed the petitioner to be released on anticipatory bail.

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4. On the side of the prosecution, it is stated that totally two accused in this case and the petitioner and other accused attacked the de-facto complainant with hands and stones and also snatched his mobile phone and one sovereigns gold chain. It is stated that the petitioner is a history sheeted rowdy element and he is having two previous cases. The properties were recovered. The investigation is at the final stage and pray the petition to be dismissed.

5. Considering the fact that the investigation is almost over and the properties are recovered and considering the fact that co-accused was already released on bail and considering the fact that the respondent has not taken any steps to arrest the petitioner so far, this Court is inclined to release the petitioner on anticipatory bail on the following conditions:

6. Accordingly, this 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 learned Judicial Magistrate, Karaikudi, Sivagangai District, 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 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/-
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/10/2022

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

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TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KARUNA V Advocate SR.No.11365

ORDER
IN
CRL OP (MD) No.17576 of 2022
Date :12/10/2022

SP/GB/SAR I/13/10/2022/3P/6C