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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2022

PRESENT

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

CRL OP(MD). No.17554 of 2022

Alex @ Chinna Alex

... Petitioner/Accused-4

Vs

State Rep.by
The Inspector of Police,
Virudhunagar West P.S.,
Virudhunagar District
(Crime No.157 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Manimaran.Na.,
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.157 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 506(ii) I.P.C, in Crime No.157 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.09.2022 at about 10.30AM, the accused persons assaulted the defacto complainant with liquor bottle, wood and also abused him in filthy language. Hence, the complaint.

3.On the side of petitioner, it is stated that the petitioner is innocent and no way connected with the offence. There was previous motive between the parties, over which, a false case was foisted against him. Co-accused were already enlarged on bail. Hence, prays to release the petitioner on anticipatory bail.

4.On the side of prosecution, it is stated that the injured was discharged from the hospital and that the petitioner is not having



any bad antecedent to his credit. In this case investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the nature of dispute between the parties, considering the fact that the injured was discharged from the hospital, that the petitioner is not having any previous case and that the co-accused were already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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. No.I, Virudhunagar, 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 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 learned Magistrate may obtain a copy of their Aadhaar 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 the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/09/2022

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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 NO.I, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.



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3 THE INSPECTOR OF POLICE, VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

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ORDER

IN

CRL OP(MD) No.17554 of 2022

Date :30/09/2022

PNM

RS/GB/SAR.(07.10.2022) 3P-5C