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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17681 of 2022

Arun Kumar

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
Crime No.111/2022.

... Respondent/Complainant

For Petitioner : M/s.Jeyamohan.K.,
Advocate.

For Respondent : M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

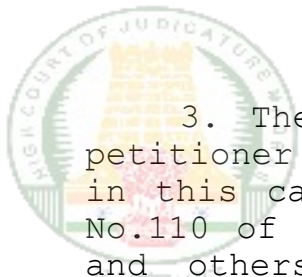
PRAYER :-

For Anticipatory Bail in Crime No.111 of 2022 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 for the alleged offences punishable under Sections 143, 294(b), 323 and 307 of IPC, in Crime No.111 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 19.07.2022, when the defacto complainant along with his friends were attending the Maalaiyoothu Temple Festival, at that time, there was a clash between two groups of people and as such, the accused persons attacked the defacto complainant and caused injuries to him. Therefore, the present case came to be registered.



3. The learned counsel for the petitioner submitted the petitioner is an innocent persons and he has been falsely implicated in this case. He further submitted that a counter case in Crime No.110 of 2022 has been registered against the defacto complainant and others. In view of the biased investigation made by the respondent police, a transfer of investigation petition was filed in Crl.O.P(MD) No.14751 of 2022 and the same was also allowed by this Court vide order dated 19.09.2022. However, the investigation is yet to be transferred to CBCID.

4. The learned Government Advocate (crl.side) would submit that no previous case is pending against the petitioner and it a case and case in counter and the investigation is yet to be transferred to CBCID.

5. Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner and also the facts that the petitioner is not having any bad antecedents and it is a case and case in counter, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 a.m., for a period of two months and if the case is transferred to CBCID, the petitioner is directed to appear before the concerned CBCID, after such transfer.

[c]the petitioner shall not tamper with the 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]**.



[f] if the accused / petitioner thereafter absconds, sh
FIR can be registered under Section 229-A IPC.

sd/-

06/10/2022

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

BTR/CP

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 Judicial Magistrate,
Sankarankovil.
2. -do-Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Inspector of Police,
Chinnakovilankulam Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-10954[I] dated 06/10/2022)

ORDER

IN

CRL OP(MD) No.17681 of 2022

Date :06/10/2022

RD/SVR(11/10/2022) 3P 6C