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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.17810 of 2022

Marimuthu

... Petitioner/Accused No.1

Vs

The State rep.by,
The Sub Inspector of Police,
Perumalpuram Police Station, Tirunelveli.
(Crime No.281 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Muthukumar.S,
Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.281 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/1st accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 323, 427 and 506(ii) of IPC, in Crime No.281 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous dispute, on 12.09.2022, the petitioner and other accused waylaid the defacto complainant and damaged his car side mirror. They also abused the defacto complainant in filthy language, attacked him and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the



hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 No.I, Tirunelveli, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) while executing the sureties, the petitioner shall deposit a sum of **Rs.30,000/- (Rupees Thirty Thousand only)** to the credit of Crime No.281 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court

(c) the petitioner shall report before the respondent police **once in a week i.e., on every Wednesday at 10.30 a.m.**, for a period of six weeks, and thereafter, as and when required for interrogation.

(d) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused / petitioner thereafter absconds, a fresh 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.



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 NO.I,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
PERUMALPURAM POLICE STATION, TIRUNELVELI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17810 of 2022
Date :06/10/2022

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MK/GB/SAR. /10.10.2022/3P/5C