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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.17944 of 2022

Vinith

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Koodalpudur Police Station,
Madurai City.
(Crime No.286 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Saravanankumar.P, 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.286 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 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.286 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, without the knowledge of the defacto complainant, taken away a goat from his house. When the same was questioned by the defacto complainant, the petitioner and other accused attacked the defacto complainant. Due to the aforesaid occurrence, on 24.07.2022, the petitioner and other accused alleged to have attacked the defacto complainant once



again, abused him in filthy language and also made a life threat. Hence, the complaint.

3. The learned counsel for the petitioner submitted that due to some personal motive, a false case has been foisted against the petitioner. The petitioner is an innocent and he did not commit any offence as alleged by the prosecution. He further submitted that co-accused was already granted anticipatory bail.

4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that the injured has been discharged from the hospital and six previous cases are pending against the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, 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 No.IV, Madurai 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhaar card or bank pass book to ensure his identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m for the period of three months and thereafter, as and when required for interrogation.

[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, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
06/10/2022

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/10/2022

Sub-Assistant Registrar (C.S.II)
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 IV,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KODALPUDUR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.17944 of 2022
Date :06/10/2022