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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.17828 of 2022

1.Lenipaul @ Lenin Paul

2.Bastin

... Petitioners/Accused No. 2 & 3

Vs

The State represented by
The Inspector of Police,
Aravayal Police Station,
Sivagangai District.

(In Crime No.95 of 2022)

... Respondent/Complainant

For Petitioners: M/s.Sivabalan.K,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.95 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.95 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(2) of IPC, in Crime No.95 of 2022, seek anticipatory bail.

2. The case of the prosecution is that in respect of conducting the church festival, a wordy quarrel arose between the parties. A1 said to have attacked the defacto complainant with iron rod and the petitioners said to have attacked the defacto complainant by hands and caused simple injuries and all the accused persons also threatened the defacto complainant with dire consequences. Therefore, the present case came to be registered.



3. The learned counsel for the petitioners submitted the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that a counter case has been registered against the defacto complainant in Crime No.96 of 2022.

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4. The learned Government Advocate (crl.side) appearing for the respondent police submitted that the injured person has been discharged from the hospital and it is a case and case in counter.

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 petitioners.

6. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, Sivagangai District on condition that the petitioners 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 petitioners 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 petitioners shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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.

sd/-

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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,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
ARAVAYAL POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.SIVABALAN K Advocate SR.No.11099

ORDER

IN

CRL OP(MD) No.17828 of 2022

Date :06/10/2022

SS/TR/11/10/2022/ 3P 6C