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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/10/2022

PRESENT

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

CRL OP(MD) . No.18008 of 2022

Elanchezhiyan

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
In Crime No.96/2022.

... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian M,
Advocate.

For Respondent : Mr.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.96/2022 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), 324, 506(ii) and 109 of IPC, in Crime No.96 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 26.04.2022 at about 09.00 a.m., when the defacto complainant was standing near Malar Wine Shop, behind old bus stand, Rajapalayam, one Karunakaran and Rasu came to the spot and took the defacto complainant to a house. At that time, the petitioner called the said Karunakaran through phone and directed him to kill the defacto complainant. Hence, they attacked the defacto complainant at the instigation of the petitioner. Therefore, the present case came to be registered.



3.The learned counsel for the petitioner submitted the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (crl.side) appearing for the respondent police submitted that the co-accused / accused 1 and 2 have been released on bail

5.Considering the facts and circumstances of the case and also the fact that the co-accused were released 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 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, Rajapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two common 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 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.

sd/-

07/10/2022

/ TRUE COPY /

/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

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

3 THE INSPECTOR OF POLICE, RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC TO MR.JEGADEESHPANDIAN, ADVOCATE (SR-11166[I] DATED
10.10.2022)

ORDER

IN

CRL OP(MD) No.18008 of 2022

Date :07/10/2022

Myr/Ta

RS/VR/SAR.(10.10.2022) 3P-6C