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CRL OP(MD). N



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

Date : 20/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18773 of 2022

V.Arul Joseph,
Petitioner's name was wrongly mentioned
as Arun in the FIR. ... Petitioner/4th Accused

Vs

State Rep.by
The Inspector of Police,
Cantonment Police Station,
Trichy District.
(Crime No.926 of 2022) ... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran,Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.926 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
294(b), 323, 324, 342, 392 and 506(ii) IPC., in Cr.No.926 of 2022,
seeks anticipatory bail.

2.The case of the prosecution is that on 08.06.2022, the
petitioner and other accused persons waylaid the de-facto
complainant, abused him and his friend in filthy language and also
assaulted them with stone and robbed their mobile phones and 1 ½
sovereigns of gold chain and Rs.1,900/-. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) strongly opposed this petition stating that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court dated 20.09.2022 in Crl.O.P.(MD)No.10912 of 2022 and A1 was already detained under the Goondas Act. He would further submit that the injured was discharged from the hospital and the property was recovered.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and the property was recovered, 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 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.II, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders;

(c)the petitioner shall not tamper with 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/10/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO. II
TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION,
TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18773 of 2022
Date :20/10/2022

vsd
PKP/SSS/SAR-1/02.11.2022/3P/5C