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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 19/10/2022

PRESENT

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

CRL OP(MD). No.18577 of 2022

Ponvinayagam

... Petitioner/Accused No.1

Vs

The State represented by  
The Inspector of Police,  
Ilathur Police Station,  
Thenkasi.

Crime No.33 of 2022

... Respondent/Complainant

For Petitioner : M/s.Mohamed Sherbudeen M,  
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.33 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 offences punishable under Sections 148,  
448, 427, 294(b) and 506(ii) of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that on 29.01.2022, due to  
previous dispute, the petitioner and other accused trespassed into  
the house of the defacto complainant, abused him in filthy language,  
threatened him with dire consequences and also damaged the door of  
the house and other valuable things. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the  
due to previous enmity, a false case has been registered against the  
petitioner and the petitioner is an innocent person and he has been

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falsely implicated in this case. He would further submit the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that no previous case is pending against the petitioner and the investigation in this case is almost over.

5.Considering the facts and circumstances of the case and also considering the facts that the investigation in this case is almost over and the petitioner is not having any bad antecedents, 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, Shencottah, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

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

sd/-

19/10/2022

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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,  
SHENCOTTAH.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
TIRUNELVELI.

3 THE INSPECTOR OF POLICE  
ILATHUR POLICE STATION, THENKASI.

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

+1. CC to M/S.MOHAMED SHERBUDEEN M Advocate SR.No.51072 (F)

ORDER

IN

CRL OP(MD) No.18577 of 2022

Date :19/10/2022

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