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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.18753 of 2022

Pandiyaraj @ Pandiyarajan

... Petitioner/2nd Accused

Vs

State rep.by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(Crime No.329 of 2022).

... Respondent/Complainant

For Petitioners : M/s.J.Senthil Kumaraiah, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.329 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 147, 294(b), 353, 506(i) of IPC, in Crime No.329 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.08.2022 at about 3.30 pm, while the defacto complainant, who is the practicing duty Doctor, giving treatment to his patients, the accused persons came there, abused and threatened him and his staff, thereby, prevented them from doing duty. Hence the complaint.

3. On the side of the petitioners, it is stated that the petitioners are innocents and have not committed any such offence as



alleged by the prosecution. A1 was arrested and released on bail. Accused Nos.3 and 4 were granted anticipatory bail by this Court on 26.09.2022.

4. On the side of the prosecution, it is stated that Accused Nos.1,5 and 6 were arrested and released on bail. The petitioner herein is A2. A list of previous cases was furnished by the prosecution. Wherein it is stated that the petitioner is having 5 previous cases.

i) Usilampatti Taluk Police Station in Crime No.161/22 under Sections 147, 148, 294(b), 324, 506(ii) of IPC.

ii) Usilampatti Taluk Police Station in Crime No.133/17 under Section 143, 188 of IPC

iii) Usilampatti Taluk Police Station in Crime No.03/15 under Section 147, 188, 341 of IPC

iv) Usilampatti Taluk Police Station in Crime No.238/13 under Section 294(b), 324, 325, 326, 506(ii) of IPC

v) Usilampatti Taluk Police station Crime No.141 of 2012 under Section 294(b), 323, 506(i) of IPC

5. Considering the nature of the case and considering the fact that the co-accused were already released on bail and anticipatory bail and considering the fact that though the earlier petition was dismissed on 13.09.2022, the prosecution has not taken any steps to arrest the petitioner, this Court is inclined to release the petitioner on the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Usilampatti, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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.

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

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TO

1. THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18753 of 2022
Date :20/10/2022

SP/SSS/SAR /28/10/2022/3P/5C