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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.18983 of 2022

G. Vivekanandan,

... Petitioner/Accused No.7

Vs

State Rep.by
The Inspector of Police,
Keezharajakularaman Police Station,
Virudhunagar District.
(Crime No. 140 of 2022)

... Respondent/Complainant

For Petitioner : Mr.N.Balasubramanian, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

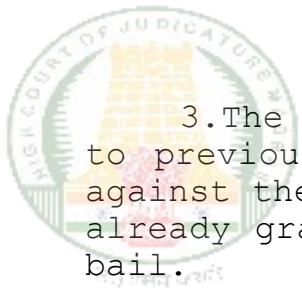
PRAYER :-

For Anticipatory Bail in Crime No.140/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 108, 120(B), 147, 148, 294(b), 323, 324, 448, 427, 506(ii) of IPC and r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.140 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, all the accused persons trespassed into the house of the de-facto complainant, abused him in filthy language and attacked him with broomstick and caused severe life threat to the de-facto complainant with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that in the previous dispute between the parties, a false case was foisted against the petitioner. He would further submit that co-accused were already granted anticipatory bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the injured was discharged from the hospital and the petitioner is having two previous cases and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital and the co-accused were already arrested and thereafter released on bail, 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, Rajapalayam, 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;



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(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,
RAJAPALAYAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
KEEZHARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-11983[I] dated 27/10/2022)

ORDER
IN
CRL OP(MD) No.18983 of 2022
Date :20/10/2022

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PKP/GB/SAR-1/02.11.2022/3P/6C