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

Date : 27/10/2022

PRESENT

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

CRL OP(MD) . No.19073 of 2022

Subramaniyan

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Thanthonimalai Police Station,
Karur District.
(Crime No.432/2022).

... Respondent/Complainant

For Petitioner : M/s.Arunraj K, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.432/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 448, 294(b), 323, 506(ii) and 363 IPC in Crime.No.432 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive the petitioner and other accused trespassed into the house of the defacto complainant and abused him in filthy language and also threatened him with dire consequences. 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 and his name has been falsely implicated in this case and he seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that A1 to A3 already arrested and still in custody. Based on the confession statement of A2 the petitioner herein is arrayed as accused and the petitioner herein is not having any previous case and no one has sustained injury. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that no one has sustained injury, 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. I, Karur, 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 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 appear before the Geyapuram police Station, Trichy 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.

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Sd/-
27/10/2022

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

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

+1. CC to M/S.ARUNRAJ K Advocate SR.No.12040

ORDER
IN
CRL OP(MD) No.19073 of 2022
Date :27/10/2022

SP/GB/SAR I/04/11/2022/3P/7C