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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD). No.19122 of 2022

Gnanavel

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Jambunathapuram Police Station,
Trichy District.
(Crime No.160/2022).

... Respondent/Complainant

For Petitioner : M/s.Padhmaavathi Devi J,
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.160/2022 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 294(b), 353, 392 and 506(i) of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that on 16.10.2022, a condolence has occurred in the neighbour's house of the petitioner. On that date, there was a dispute arose between the parties regarding a pathway to carry the corpse. In order to settle the same, the two policemen were deputed to clear the pathway and to conduct the procession in a peaceful manner. The petitioner and other accused had prevented the Policemen from discharging their official duty, assaulted them and also abused them in filthy language. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the Petitioner is an innocent and he has been falsely implicated in this case. He would further submit the petitioner did not commit any offence as alleged in the First Information Report and he shall abide any condition imposed by this Court and he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner is a habitual offender and he is having seven previous cases. He would further submit that the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of offence levelled against the petitioner, 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, Musiri, 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 learned Judicial Magistrate, Musiri, 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/-
28/10/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
MUSIRI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
JAMBUNATHAPURAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.PADHMAAVATHI DEVI, Advocate (SR-12071[I] dated
28/10/2022)

ORDER
IN
CRL OP(MD) No.19122 of 2022
Date :28/10/2022

cp
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