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CRL OP(MD). N



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

Date : 11/11/2022

PRESENT

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

CRL OP(MD). No.19968 of 2022

K.Katturaja ... Petitioner/Petitioner/Accused No.3
Vs

The State represented by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District
(Crime No.335 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Anbumanikandan K,
Advocate.
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

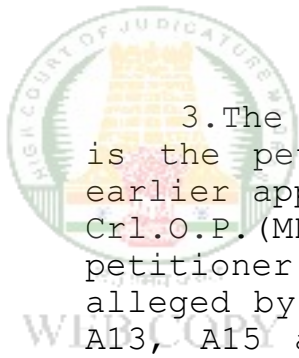
PRAYER :-

For Anticipatory Bail in Crime No.335 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
147, 148, 448, 341, 294(b), 323, 324, 427, 354 and 506(ii) IPC, in
Cr.No.335 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to land dispute
between the parties, the petitioner and other accused abused the de-
facto complainant in filthy language and also assaulted him with dire
consequences. When the same was questioned by the de-facto
complainant's wife, the petitioner and other accused assaulted her
and also damaged the de-facto complainant's house. Hence, the
complaint.



3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, dated 29.09.2022 in Crl.O.P.(MD)No.17457 of 2022. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A4 to A10, A13, A15 and A16 were already granted anticipatory bail by this Court in Crl.O.P.(MD)No.18757 of 2022, dated 20.10.2022 and A2 is a juvenile and he was also released on bail. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and the petitioner is having 11 previous cases and the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and also the fact that the co-accused were already granted bail and anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners 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, Nilakottai, Dindigul District, 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 report before the Inspector of Police, Kannivadi Police Station, Dindigul District 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 FIF registered under Section 229-A IPC.

sd/-
11/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Copy to:

THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION, DINDIGUL DISTRICT.

ORDER
IN
CRL OP(MD) No.19968 of 2022
Date :11/11/2022

SS/SSS/SAR II/23/11/2022/ 3P 6C