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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

PRESENT

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

CRL OP(MD). No.19787 of 2022

1. Chandrasekar @ Raja,

2. Ramesh Kumar @ Ramesh,

3. Anthonysamy @ Antony,

... Petitioners/

Accused Nos.3, 4 and 6

Vs

The State Rep.by
The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.

Crime No.298 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Muthumalairaja S,
Advocate.

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

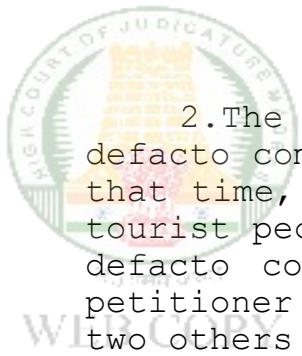
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.298 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,
294(b), 323, 324 and 506(ii) of IPC, in Crime No.298 of 2022, seek
anticipatory bail.



2.The case of the prosecution is that on 31.10.2012 the defacto complainant and two others came by bike near Zion School, at that time, the accused Nos.1 and 2 waylaid the road and talked with tourist people, who are all sitting in the tourist vehicle. When the defacto complainant questioned why you are waylaid the road, the petitioner and other accused attacked the defacto complainant and two others by way of hands, legs and stick. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners shall abide any condition imposed by this court and hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the injured has already been discharged from the hospital and the petitioners are not having any bad antecedents. He would further submit the accused Nos.1 and 2 were arrested and they are still in judicial custody and the investigation in this case is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the fact that injured has already been discharged from the hospital and the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are 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.II, Kodaikanal, on condition that the petitioners 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 petitioners 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;

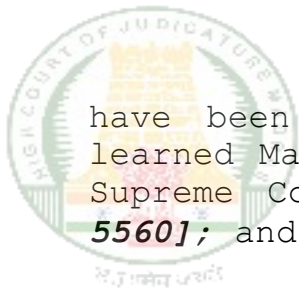
(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

(d)the petitioners 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

<https://www.mca21.in/get/judice> the petitioners in accordance with law as if the conditions



have been imposed and the petitioners released on bail. 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

TO

1. The Judicial Magistrate No.II,
Kodaikanal.
2. -do-Through The Chief Judicial Magistrate,
Dindigul District.
3. The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MUTHUMALAIRAJA, Advocate (SR-12678[I] dated 09/11/2022)

ORDER

IN

CRL OP(MD) No.19787 of 2022

Date : 09/11/2022

RD/BUC/SAR-I (22/11/2022) 3P 6C