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CRL OP(MD). A



22

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

Date : 14/11/2022

PRESENT

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

CRL OP(MD). No.20116 of 2022

Sudalai

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Courtalam Police Station,
Tenkasi District
(Crime No.388 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Rathnavel Pandian J C,
Advocate.

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

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

PRAYER :-

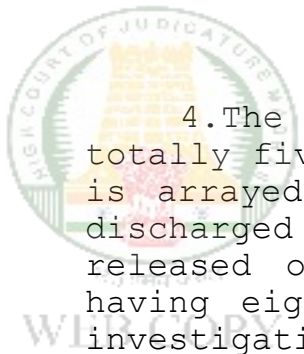
For Anticipatory Bail in Crime No.388 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections
147, 294(b), 323 and 506(ii) IPC in Cr.No.388 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel,
the petitioner and other accused have attacked the defacto
complainant with hands and also abused him in filthy language.
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.



4.The learned Government Advocate(Crl.Side) would submit at totally five accused involved in this case and the petitioner herein is arrayed as A1. He would further submit that the injured was discharged from the hospital and the A2 was already arrested and released on bail. He further contended that the petitioner is having eight previous cases and he is a History Sheeter and 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 the injured was discharged from the hospital and that the co-accused has already been 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, Shenkottai, Tenkasi 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 Kadayanallur Police Station daily at 10.30 a.m., 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.

sd/-

14/11/2022

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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,
SHENKOTTAI, TENKASI.

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
COURTALAM POLICE STATION, TENKASI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S.RATHNAVEL PANDIAN J C Advocate SR.No.13092

ORDER

IN

CRL OP(MD) No.20116 of 2022

Date :14/11/2022

SS/SSS/SAR /24.11.2022/ 3P/ 7C