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

Date : 21/11/2022

PRESENT

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

CRL OP (MD) . No.20577 of 2022

Manikandan

... Petitioner/Accused (A2)

Vs

State rep.by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
(Crime No.301/2022).

... Respondent/Complainant

For Petitioner : M/s.Hitesh Kumar C, Advocate.

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

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

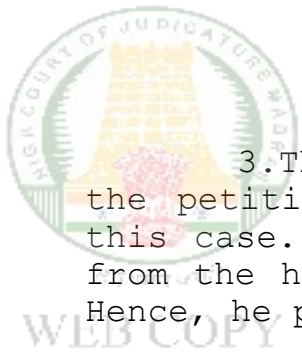
PRAYER :-

For Anticipatory Bail in Crime No. 301/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No2, who apprehends arrest at the hands of the respondent police for the offences punishable **(*)under Sections 294(b) 324 and 506(ii) of IPC altered to sections 294(b), 324,506(ii) and 307 of IPC** in Cr.No.301 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute, on 29.05.2022, at about 04.00 p.m, when the defacto complainant was returning to his home, the petitioner along with his father way laid him and attacked him with aruval on his head and caused injury. Thereafter, he was taken to the Government Hospital, Kumbakonam, by his brother. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the injured was discharged from the hospital and A1 was arrested and later, released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital and A1 was released on bail. But, however, the petitioner is having 1 previous case and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and the co-accused was 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 District Munsif Cum Judicial Magistrate, Thiruvidadaimaruthur, 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 respondent police 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.

Sd/-
21/11/2022

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(*) AMENDED AS PER ORDER OF THIS COURT DATED 13.12.2022 IN CRL MP (MD) NO.15479 OF 2022 IN CRL OP (MD) NO.20577 OF 2022

TIME FOR COMPLYING THE CONDITION IMPOSED BY THIS COURT IS EXTENDED BY TWO WEEKS.

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 21/11/2022 ALREADY DESPATCHED

1. THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.20577 of 2022
Date : 21/11/2022