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CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2022

PRESENT

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

CRL OP(MD). No.20711 of 2022

Murugan @ Thoothukudi Murugan, ... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.88 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Venkatesh D, 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.88 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(ii) of IPC, in Crime No.88 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 29.10.2022, there was a temple festival in the village. In the said festival, Aadal, Padal program was conducted, at that time, the accused made a quarrel with the van driver of the Aadal, Padal participants and the same was pacified by the defacto complainant. Due to the said motive, on 29.10.2022 itself, when the defacto complainant was standing in front of his house, the accused came there, abused him with filthy language, assaulted him with iron rod and also threatened him with

<https://www.mca.gov.in/sec>



3.The learned counsel for the petitioner would submit that due to previous enmity, this false case has been foisted against the petitioner. He is an innocent person and he did not commit any offence as alleged by the prosecution. However, the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) appearing for the respondent police would submit that injured was treated as out-patient. Further, the petitioner is having ten previous cases and the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was treated as out-patient, 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, Kadaladi, 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 the Inspector of Police, Ramanathapuram Town Police Station, Ramanathapuram, 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 FIF registered under Section 229-A IPC.

sd/-
23/11/2022

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/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KADALADI.
- 2 DO THROGUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSEPCTOR OF POLICE
RAMANATHAPURAM TOWN POLICE STATION,
RAMANATHAPURAM .

+1 CC to M/s.D.VENKATESH, Advocate (SR-13612[I] dated 24/11/2022)

ORDER
IN
CRL OP(MD) No.20711 of 2022
Date :23/11/2022

CP
PKP/BUC/SAR-4/07.12.2022/3P/7C