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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

PRESENT

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

CRL OP(MD). No.20898 of 2022

Suresh ... Petitioner/ Accused No.3
Vs

The State Rep.by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
Crime No.148 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Selvam.R,
Advocate.

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

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

PRAYER :-

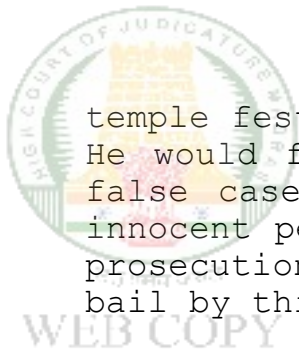
For Anticipatory Bail in Crime No.148 of 2022 on the file of
the Respondent Police.

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
294(b), 285, 286, 324 and 506(i) of IPC, in Crime No.148 of 2022,
seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the Assistant Platoon Commender of the respondent police station.
On 08.11.2022, while he went for the police protection of the temple
festival at Kommappatty bus stand, the accused made a wordy quarrel
with him, when he said not to disturb the public and abused the
defacto complainant in filthy language and also attacked him. Hence,
the complainant.

3.The learned counsel for the petitioner would submit that the
respondent police threatened the accused not to participate in the



temple festival. Based on that, a wordy quarrel arose between n. He would further submit that in order to harass the petitioner, a false case has been registered against the petitioner. He is an innocent person and he did not commit any offence as alleged by the prosecution. Further, co-accused was already granted anticipatory bail 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 the injured was discharged from the hospital and the petitioner is having four previous cases. He would further submit that co-accused was granted anticipatory bail by this Court and in this case, seven witnesses have been examined and investigation 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 facts that the injured was discharged from the hospital and co-accused was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioners are 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 No.I, Srivilliputhur, 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 respondent Police 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 FIR can be registered under Section 229-A IPC.

sd/-

25/11/2022

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/12/2022

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

cp

TO

1.The Judicial Magistrate No.I,
Srivilliputhur.

2.-do-Through The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.

3.The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SHOBANA, Advocate (SR-13952[I] dated 29/11/2022)

ORDER

IN

CRL OP(MD) No.20898 of 2022

Date :25/11/2022

RD/BUC/SAR-I(08/12/2022) 3P 6C