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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

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

CRL OP(MD). No.20987 of 2022

Murali @ Muralikannan

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Crime No.439 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Dinesh K, 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.439 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448, 323 and 506(2) IPC, in Cr.No.439 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties with regard to partition of properties, the petitioner abused the de-facto complainant in filthy language and attacked him with iron rod and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that already a case has been registered against the de-facto complainant in Crime No.355 of 2022. As a counter blast, the de-facto complainant lodged the present complaint against the petitioner. The petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-

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accused was already granted anticipatory bail by this Court dated 25.11.2022 in Crl.O.P.(MD)No.20888 of 2022. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the injured has been treated as outpatient and no previous case is pending against the petitioner. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has been treated as outpatient and also the facts that the petitioner is not having any bad antecedents and the co-accused has already been granted anticipatory 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 Court, Theni 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 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 Inspector of Police, Gandhipuram Police Station, Coimbatore 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/-

28/11/2022

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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, THENI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, PALANICHETTYPATTI POLICE STATION,
THENI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE,
GANDHIPURAM POLICE STATION,
COIMBATORE.

+1 CC to M/s.K.DINESH, Advocate (SR-13890[I] dated 29/11/2022)

ORDER

IN

CRL OP(MD) No.20987 of 2022

Date :28/11/2022

SJI

RS/VR/SAR.1(07.12.2022) 3P-7C