



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/12/2022

PRESENT



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The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22397 of 2022

T.Manimaran

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Melur Police Station, Melur,
Madurai District.
(Crime No.964/2014).

... Respondent/Complainant

For Petitioner : M/s. Arunnithy.S, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Additional Public Prosecutor

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

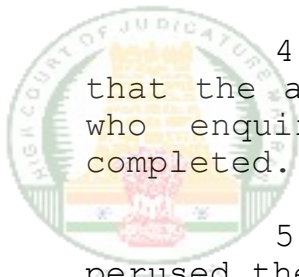
PRAYER :-For Anticipatory Bail in Cr No.964/2014 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 353, 307 I.P.C, in Crime No.964 of 2014, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, who was working as SSI in Melur Police Station is that when the defacto complainant enquired the accused persons, as per the instructions of Melur Deputy Superintendent of Police, they assaulted him with stones. Hence, the complaint.

3. The learned counsel for the petitioner submitted that at the time of occurrence, since the defacto complainant was working as SSI in Melur Police Station, a false case has been registered in the year 2014 and till date, investigation has not been completed. Hence, prays to release the petitioner on anticipatory bail.



4.The learned Government Advocate (Crl.Side) stated that the accused persons pelted stones on the defacto complainant, who enquired them. In this case, investigation is not yet completed. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

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6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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, Melur**, 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 as and when required for interrogation;

[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]**; and;

[f] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/12/2022

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/01/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
MELUR.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MELUR,
MADURAI DISTRICT.

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

+1 CC to M/s.ARUNNITHY.S, Advocate (SR-15073[I] dated 19/12/2022)

ORDER

IN

CRL OP(MD) No.22397 of 2022

Date :19/12/2022

PNM

PKP/BUC/SAR /30.12.2022/3P/6C