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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2022

PRESENT

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

CRL OP(MD). No.23017 of 2022

Gopu,

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Achanputhur Police Station,
Tirunelveli District
(Cr.No.223/2022).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar, 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 Cr.No.223 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, 294(b), 307, 471, 379 and 427 IPC in Crime No.223 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the de-facto complainant are from the State of Kerala and they had come to the temple at Achankovil. During such time, there was a quarrel between two groups, they assaulted each other, resulting in which, they sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that co-accused persons in this case were granted bail by this Court in Crl.O.P(MD) No.21675 of 2022

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



dated 08.12.2022. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit the accused persons hail from the State of Kerala and the de-facto complainant party also from the State of Kerala and while they were worshipping in a temple, there was a quarrel and they assaulted each other, resulting in which, registration to the counter case. Hence, he opposed for grant of bail to the petitioners

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and also the fact that some of the co-accused in this case were granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the **learned Judicial Magistrate, Shencottai** 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 everyday at 10.30 a.m., for a period of three weeks and thereafter on every Saturday 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 petitioners 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 SC** .

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

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sd/-
23/12/2022

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
SHENCOTTAI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
ACHANPUTHUR POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.23017 of 2022
Date :23/12/2022

PKP/VR/SAR-1/03.01.2023/3P/5C