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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23301 of 2022

Sakthivel

... Petitioner/Accused No.2

Vs

The State rep.by,  
The Inspector of Police,  
Golden Rock Police Station,  
Trichy City.  
Crime No.1090 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Karunakaran K.M.,  
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1090 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 294(b), 323 and 506(i) of I.P.C., in Crime No.1090 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons attacked the defacto complainant on 12.09.2021 and abused him due to the civil dispute. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and due to land dispute, a false complaint has been



4.The learned Additional Public Prosecutor submitted that is a case in counter case, co-accused were released on bail and the petitioner is not having any previous case.

5.Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 No.V, Trichy**, 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 learned 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/-

28/12/2022

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29/12/2022

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

IAS



TO

1. THE JUDICIAL MAGISTRATE NO.V, TRICHY.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY.

3. THE INSPECTOR OF POLICE,  
GOLDEN ROCK POLICE STATION,  
TRICHY CITY.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate ( SR-15632[I] dated  
28/12/2022 )

ORDER

IN

CRL OP(MD) No.23301 of 2022

Date :28/12/2022

RK/VR/SAR-2 (29/12/2022) 3P/6C