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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2023

PRESENT

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

CRL OP(MD) . No.1224 of 2023

Salai Manickam

... Petitioner / Accused No.2

Vs

The State represented by
The Inspector of Police,
Karimedu Police Station,
Madurai City,
(Crime No.28 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Venkatesan.P,
Advocate.

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

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

PRAYER :-

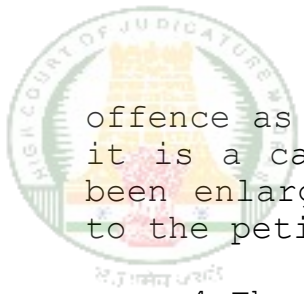
For Anticipatory Bail in Crime No.28 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) and 379 of I.P.C., in Crime No.28 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.01.2023 at about 08.15 a.m., when the de-facto complainant was unloading the cement bags from the vehicle along with his uncle, the petitioner and other two accused came there and intercepted them from doing the work and attacked them with pipe, resulting in him, sustaining injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any



offence as alleged by the prosecution. He would further submit that it is a case and case in counter and the arrested co-accused have been enlarged on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that when the de-facto complainant was unloading the cement bags from the vehicle along with his uncle, the petitioner and other two accused came there and intercepted them from doing the work and attacked them with pipe, resulting in him, sustaining injuries. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6.Taking into consideration of the facts and circumstances of the case, 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 No.V, Madurai, 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, daily at 10.30 a.m. 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 *S.K. Shaji vs. State of Kerala* [(2005) AIR SCW 5560].



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

sd/-
23/01/2023

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/02/2023

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

SJI

TO

1. The Judicial Magistrate No.V, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Karimedu Police Station, Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1224 of 2023
Date :23/01/2023

ED/BUC/SAR-II (02.02.2023) 3P 5C