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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/02/2023

PRESENT

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

CRL OP(MD) . Nos.2044 and 2115 of 2023

1.Praveen ... Petitioner/A1
in Cr1.O.P.(MD)No.2044 of 2023

1. Nagarajan @ Nagaraj

2. Venkatesan @ Venkatesh ... Petitioners/A2 & A3
in Cr1.O.P.(MD)No.2115 of 2023

Vs

The State Rep.by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.17 of 2023.

... Respondent/Complainant
in both petitions

In both Petitions:

For Petitioner : M/s.Mahendran K,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Cr1.Side)

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

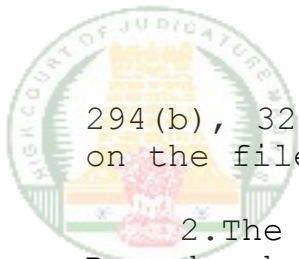
COMMON PRAYER :-

For Anticipatory Bail in Crime No.17 of 2023 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections

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294(b), 323, 324, 342 and 506(2) of I.P.C., in Crime No.17 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Ramachandran, is that the first accused, who is the son of Councillor had demanded donation for conducting Pongal festival and when he had offered Rs.200/-, the accused had abused him and assaulted him with iron rod. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complainant has been given on account of a political animosity. He would further submit that it is a case and case in counter and on the complaint given by the petitioners' side, a case in Crime No.16 of 2023 has been registered and only as a counter blast, a false complaint has been given. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that first accused had demanded donation from the de-facto complainant for conducting Pongal festival and when he had offered Rs.200/-, the accused had abused him and assaulted him with iron rod and hence, he would object for anticipatory bail.

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 petitioners, with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Pattukottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.



[c] the petitioners shall not tamper with evidence or either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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 SCW 5560].

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

sd/-

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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, Pattukottai.
2. Do-Through The Chief Judicial Magistrate,
Thanjore at Kumbakonam District.
3. The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.K.MAHENDRAN, Advocate (SR-1668,1667[I] dated 02/02/2023)

ORDER

IN

CRL OP(MD) No.2044 of 2023

Date :02/02/2023

RD/SSS/SAR-I (09/02/2023) 3P 7C

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