



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)



Wednesday, the First day of March Two Thousand and Twenty Three

PRESENT

WEB COPY

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

CRL.O.P(MD)No.3302 of 2023

Sakeer

...Petitioner/Accused Rank
not known

-VS-

The State by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.49 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Crime No.49 of 2023.

For Petitioner : Mr.D.Venkatesh, Advocate

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 435, 294(b), 506(ii) IPC in Crime No.49 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that there was previous dispute due to which the accused set fire to the two Bikes belonging to the defacto complainant and they also abused him with filthy language and threatened him with dire consequences, Hence, the case.

3.The learned counsel for the petitioner would submit that the main accused in this case have been arrested and subsequently, they have been enlarged on bail by the learned Judicial Magistrate, Tenkasi, by stating that material part of investigation would have been completed by this time. He would seek for anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.side) would seek at the accused in this case set fire on the bikes of the complainant and he would oppose for grant of anticipatory bail to the petitioners.

5. Heard and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and considering the nature of offence, 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 Judicial Magistrate, Tenkasi, 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 two weeks and thereafter, as and when required.

[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 **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-

01/03/2023

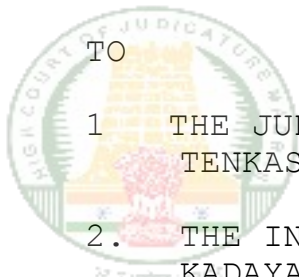
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

<https://www.mhc.tn.gov.in/judis>



TO

1 THE JUDICIAL MAGISTRATE NO.1,
TENKASI.

2. THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S.VENKATESH.D Advocate SR.No.3196.

ORDER

IN

CRL OP(MD) No.3302 of 2023

Date :01/03/2023

SI/SKN/SAR-1/08.03.2023) 3P/ 5C

