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CRL OP(MD).



23

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

Date : 23/02/2023

PRESENT

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

CRL OP(MD) . No.3569 of 2023

Sakthivel

... Petitioner/Accused 4

Vs

The Inspector of Police,
Appayanaickenpatti Police Station,
Virudhunagar District
(Crime No.7 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Balaji.S,

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(ii) of I.P.C., in Crime No.7 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.02.2023, at about 08.30 p.m., the de-facto complainant and his friends were standing near Pathirakaliyamman Kovil, at that time, the petitioner and other accused abused the de-facto complainant in filthy language and attacked him with wooden stick and also threatened him with dire consequences, resulting in him, sustaining injuries. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is innocent and a false case has been foisted against him. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that due to civil dispute between the parties, the petitioner and other accused abused the de-facto complainant in filthy language and attacked him with wooden stick and also threatened him with dire consequences, resulting in him, sustaining injuries. Hence, he would object for grant of 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 and that the petitioner is a senior citizen, 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.1, Sattur, Virudhunagar District, 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., for a period of two weeks and thereafter, as and when required for interrogation.

[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 were not imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate No.1,
Sattur, Virudhunagar District.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.
3. The Inspector of Police,
Appayanaickenpatti Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.BALAJI, Advocate (SR-2792[I] dated 23/02/2023)

ORDER
IN
CRL OP(MD) No.3569 of 2023
Date : 23/02/2023

NA/MMS/SAR-3/06.03.2023/3P/6C