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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3887 of 2023

K.Pandi ... Petitioner/Accused No.2

Vs

1.The State Rep.by
The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.
Crime No.87 of 2023..

... Respondent/Complainant

2. Vignesh ... Petitioner/ Intervenor
in CRL.MP (MD)No.3879 of 2023

For Petitioner : M/s.Vasimalai.M,
Advocate.

For Intervenor : M/s.Niranjana S. Kumar
Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.87 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 341, 294(b) 323, 324, 427,379 and 307 of IPC in Crime No. 87 of 2023 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that due to property, the petitioner and other accused abused and assaulted the defacto complainant and threatened with dire consequences.

3. The learned counsel for the intervenor vehemently objected to grant anticipatory bail to the petitioner stating that the injured is an advocate and when he questioned about the land grabbing and filed Public Interest Litigation case he was brutally attacked by the petitioner and other accused persons.

4. Heard both side and perused the materials available on record including the First Information Report.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6. 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, Thirumangalam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 stay at Pudukottai and report before the Pudukottai town police station daily at 10.30 a.m., and 5.30 pm., 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 *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/-

10/03/2023

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

TO

1. The Judicial Magistrate, Thirumangalam.
2. -do-Through The Chief Judicial Magistrate, Madurai.
3. The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.3887 of 2023

Date :10/03/2023

RD/MMS/SAR-I (16/03/2023) 3P 5C