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Crl.O.P.(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2023

PRESENT

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

CRL OP (MD) . Nos.4294, 4298 and 4302 of 2023

1. Palanisamy

2. Krishnamoorthy

... Petitioners/Accused
in Crl.O.P.(MD)No.4294 of 2023

Sathish

... Petitioner/Accused (Rank Not Known)
in Crl.O.P.(MD)No.4298 of 2023

1 Gunasekaran

2 Sivasamy

... Petitioner/Accused (Rank Not Known)
in Crl.O.P.(MD)No.4302 of 2023

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Karur District.
Cr.No.8/2023.

... Respondent/Complainant
in all petitions

In all Petitions:-

For Petitioner : M/s.N.Dileeban,
Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.8/2023 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 406, 420 and 506(i) of I.P.C. @ Sections 294(b), 406, 420 and 506(ii) of I.P.C. r/w Section 25(1A) of Arms Act 1959, in Crime No.8 of 2023 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that due to money transaction dispute, the petitioners along with other accused abused the de-facto complainant in filthy language and also gave a life threat to the de-facto complainant and his family members. Hence, the case.

3.Heard the learned counsel on either side.

4.Even according to the case of the prosecution, there are six accused and others in this case. The petitioners along with A1 and the other accused persons were threatened the de-facto complainant. The main accused was already arrested and subsequently, he was released on bail. Therefore, the custodial interrogation of the petitioners are not required in this case.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.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 No.II, Karur, 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. and 05.30 p.m., for a period of four weeks and thereafter, as and when required for interrogation;

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

[d] the petitioners 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 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].



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

sd/-

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.II, KARUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, KARUR DISTRICT.

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

+3 CC to M/s.N.DILEEBAN, Advocate (SR-3426[I], SR-3427[I], SR-3428
[I] dated 06/03/2023)

ORDER IN

CRL OP(MD). Nos.4294, 4298 and 4302 of 2023

Date :06/03/2023

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