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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.4579 of 2023

Dhinesh Savundhar

... Petitioner/Accused

Vs.

State through
The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
(Cr.No.1158 of 2021)

...Respondent/complainant

For Petitioner : M/S.P.Krishnaveni
Advocate.

For Respondent : M/S.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1158 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 392 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that on 24.11.2021 at about 9.30 p.m., while the defacto complainant was going to fill fuel in the Bharath Petrol Bunk in Pattukottai to Aranthangi Road, he was ambushed by three unknown persons. His VIVO mobile phone was taken and he was also attacked by them using hands in his cheek and head. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case.

<https://www.mca21.com>



4. The learned Government Advocate (Crl.side) appears for the respondent police submitted that the investigation already completed and absconding charge sheet has also been filed.

5. Considering the facts and circumstances of the case, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, Thanjavur District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 learned Judicial Magistrate, Pattukottai, Thanjavur District on all working days at 10.30 a.m and 5.30 p.m., 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 **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A 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, PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.KRISHNAVENI P, Advocate (SR-3971[I] dated 10/03/2023)

ORDER

IN

CRL OP(MD) No.4579 of 2023

Date :10/03/2023

RK/MMS/SAR-1 (21/03/2023) 4P/6C