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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2023

PRESENT

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

CRL OP(MD) . No.4799 of 2023

Nagu,

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.264/2022).

... Respondent/Complainant

For Petitioner : M/s.Rajesh Kumar R, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.264/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 435 and 506(ii) of I.P.C. @ 147, 294(b), 323, 435, 506 (ii) and 120(b) of IPC and Section 3(i) of TNPPDL Act, in Crime No.264 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioner came to the house of the de-facto complainant with dangerous weapon and attacked him and also poured petrol on the travels car bearing Reg.No.TN-67-AA-5252 on set fire and caused damage to the car worth of RS.2,00,000/-. Hence, the case.

3.Heard. Perused the materials available on record including
<https://www.crl-judis.in> Information Report.



4. On perusal of the records it shows that the petitioner was already granted anticipatory bail in Crl.M.P.No.3468 of 2022 vide order dated 12.11.2022 by the learned Principal Sessions Judge, Dindigul on certain conditions and the same are extracted hereunder:-

1. The petitioners/A1 to A3 and A5 are directed to deposit a sum of Rs.50,000/- each (Rupees Fifty Thousand each) in the District Munsif cum Judicial Magistrate Court, Athoor towards damages to the credit of the case in Crime No.264 of 2022 of Sempatti P.S.

2. After making payment and on production of acknowledgment for payment, the petitioners/A1 to A3 and A5 shall in the event of arrest by the respondent or their surrender before the learned District Munsif cum Judicial Magistrate, Athoor within 15 days from the date of this order, be released on bail on executing their own bond each for a sum of Rs.15,000/- with two sureties each for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Athoor.

3. The petitioners/A1 to A3 and A5 are directed to appear and sign before the respondent police station daily at 06.00 p.m., until further orders.

4. The petitioners/A1 to A3 and A5 shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

5. The petitioners/A1 to A3 and A5 shall make themselves available for interrogation by the police officer as and when required.

6. The petitioners/A1 to A3 and A5 shall not tamper with evidence or witness either during investigation or trial.

7. The petitioners/A1 to A3 and A5 shall not abscond either during investigation or trial.

8. On breach of any of the aforesaid conditions, this 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 this Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala (2005) AIR SCW 5560; and

9. If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC."

Since the petitioner has failed to comply with the said condition, again he has filed the present application for anticipatory bail.



5.Considering the above facts and circumstances of the case, the petitioner is directed to comply with the condition imposed by the learned Principal Sessions Judge, Dindigul in Crl.M.P.No.3468 of 2022 vide order dated 12.11.2022 till 29.03.2023.

6.With the above directions, this Criminal Original Petition is disposed of.

sd/-
15/03/2023

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

SJI
TO

- 1 THE PRINCIPAL SESSIONS JUDGE
DINDIGUL.
- 2 THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RAJESHKUMAR, Advocate (SR-4384[I] dated 16/03/2023)

ORDER
IN
CRL OP(MD) No.4799 of 2023
Date :15/03/2023

PKP/BUC/SAR-3/21.03.2023/ **3P/5C**