



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2023

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PRESENT

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

CRL OP(MD) . No.5216 of 2023

Habeeb Mohammed

... Petitioner/Rank unknown

Vs

State Rep.by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No.357/2021).

... Respondent/Complainant

For Petitioner : V.Muthukamatchi,
Advocate.

For Respondent : Mr.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.357 of 2021 on the file of the Respondent Police.

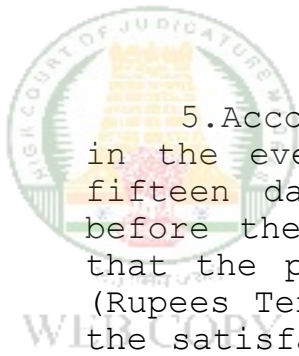
ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 341,294(b) and 307 of IPC in Crime No. 357 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the due to previous enmity regarding collection of money the petitioner herein along with other accused waylaid the defacto complainant, abused and assaulted the defacto complainant, hence the case.

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

4.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:



5. Accordingly, the petitioner is ordered to be released 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.II, Sattur 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 am., 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/03/2023

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/03/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



CRL OP(MD).



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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-4576[I] dated 20/03/2023)

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ORDER

IN

CRL OP (MD) No.5216 of 2023

Date :20/03/2023

RS/MMS/SAR-3 (27.03.2023) 3P 6C