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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/03/2023

PRESENT

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

CRL OP (MD) . No.5725 of 2023

Rajesh

... Petitioner/Accused No.5

Vs

The State represented by
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
Cr No.91/2023..

... Respondent/Complainant

For Petitioner : M/s.Ezhilarasu C.,
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 Cr No.91/2023 on the file of the
respondent police.

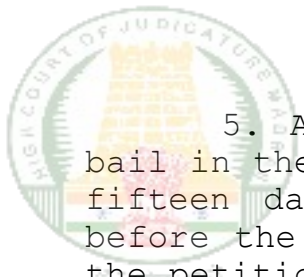
ORDER : The Court made the following order :-

The petitioner/A5 who apprehends arrest at the hands of the
respondent police for the offences punishable under sections
147,448,294(b),323, 324, 506(ii) of IPC in Crime No. 91 of 2023 on
the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the due to some dispute
while playing volley ball there was a wordy quarrel in which the
petitioner herein abused and assaulted the defacto complainant and
threatened with dire consequences.

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 sustained only simple
injuries, this court is inclined to grant anticipatory bail to the
petitioner , with certain conditions:



5. 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, Nanguneri 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 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/-

28/03/2023

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/03/2023

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

TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
KALAKKAD POLICE STATION, TIRUNELVELI DISTRICT.



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

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+1. CC to M/S.EZHILARASU C. Advocate SR.No.5066

ORDER

IN

CRL OP (MD) No.5725 of 2023

Date :28/03/2023

SA/CG/SAR III/31/03/2023/3P/6C