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CRL OP(MD).



23

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

Date : 31/03/2023

PRESENT

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

CRL OP(MD) . No.6048 of 2023

Rahumath Ali @ Asaraf Ali ... Petitioner / Accused No.1

Vs

The State represented by
The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukkottai District.
(Crime No.38 of 2023).

... Respondent / Complainant

For Petitioner : M/s.R.Prasanna, 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.38/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 324,354(A), 506(i) of IPC in Crime No. 38 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 27.02.2023 the petitioner said to have hugged one Sailabanu, hence he scolded him and thereafter the matter was compromised. Further on 28.02.2023 the petitioner alleged to have thrown stone at her house, when the same was questioned the petitioner herein along with other accused attacked the defacto complainant and threatened him, 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 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, Aranthangi**, 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 shall deposit a sum of Rs.10,000/- to the credit of crime no.38 of 2023 before the learned Judicial Magistrate, Aranthangi** and on production of proof/ acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioner.

[b] 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.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].



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

sd/-
31/03/2023

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(*) AMENDED AS PER ORDER OF THIS
COURT DATED 18.04.2023 IN CRL MP
(MD) NO. 6165 OF 2023 IN CRL OP (MD)
NO. 6048 OF 2023

/ TRUE COPY /

/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 31/03/2023 ALREADY
DESPTCHED.

1. THE JUDICIAL MAGISTRATE,
THIRUMAYAM.
 - 2 THE JUDICIAL MAGISTRATE,
ARANTHANGI.
 3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
 4. THE INSPECTOR OF POLICE,
AVUDAIYARKOIL POLICE STATION,
PUDUKKOTTAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.PRASANNA, Advocate SR-6127

ORDER
IN
CRL OP (MD) No. 6048 of 2023
Date : 31/03/2023