



WEB COPY

(Crime)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2023

PRESENT

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

CRL OP(MD) . 6167 of 2023

1.M.Kamaraj
2.B.Rajesh
3.S.Mahalingam

... Petitioners/Accused No.1,3 & 4

Vs

State Rep.by
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
(Crime No.231 of 2023).

... Respondent/Complainant

For Petitioners : Mr.J.Saravanakumar, 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.231 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 324, 427, 379 and 506(ii) of IPC in Crime No.231 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to enmity, the accused persons attacked the defacto complainant and stole the cell phone and Rs.2,000/-. Hence, the case.

3.Heard and perused the entire materials available on record and also including the First Information Report.

4.Considering the fact that the first accused/first petitioner arrested on 30.03.2023, this petition is dismissed as infructuous as against the first accused. In so far as the other



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accused/petitioners 2 and 3, taking into consideration of facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions:

6. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Kumbakonam, on condition that the petitioners 2 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 2&3 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 petitioners 2 & 3 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.

[c] the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2&3 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 petitioners 2&3 in accordance with law as if the conditions have been imposed and the petitioners 2&3 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/04/2023

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/04/2023

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

Rmk

<https://www.mhc.tn.gov.in/judis>



(Crime)



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To

1 THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

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

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

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

ORDER

IN

CRL OP (MD) No.6167 of 2023

Date :03/04/2023

RS/SSS/SAR-4 (10.04.2023) 3P 5C