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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) . 6263 of 2023

Saravanan ... Petitioner/Accused rank not known

Vs

State rep., by
The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.
(Crime No.28 of 2023).

... Respondent/Complainant

For Petitioner : Mr.M.Maruthupandian

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.28 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused rank not known, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 323, 435 and 506(ii) of IPC in Crime No.28 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant working in the weighting station, the petitioner drove the lorry in a rash and negligent manner and when the same was questioned by the defacto complainant, the petitioner along with other accused attacked him, set fire to the two wheeler and also caused damage to the tune of Rs.50,000/-. Hence, the complaint. The petitioner arrayed as third accused out of five accused.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated.

4.Heard the learned Additional Public Prosecutor appearing for the respondent.



5. Taking into consideration of the facts and circumstances of the case, the custodial interrogation of the petitioner is not required. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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 No.II, Thoothukudi District, 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 deposit a sum of Rs.50,000/- to the credit in Crime No.28 of 2023 on the file of the respondent police and on receipt of the same, the learned Magistrate shall accept the sureties furnished by the petitioner.

[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 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.



TO

1 THE JUDICIAL MAGISTRATE NO.II
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
THERMAL NAGAR POLICE STATION, THOOTHUKUDI

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

+1. CC to M/S. M.MARUTHUPANDIAN Advocate SR.No.5360

ORDER

IN

CRL OP(MD) No.6263 of 2023

Date :03/04/2023

SS/VR/SAR IV/10/04/2023/3P/6C