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CRL OP(MD).



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

Date : 25/04/2023

PRESENT

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

CRL OP(MD) . No.7731 of 2023

Abdullah

... Petitioner/Accused
Rank Not known

Vs

The State rep.by,
The Inspector of Police,
Sethubavachathiram Police Station,
Sethubavachathiram,
Thanjavur District.
(In Crime No.98 of 2014).

... Respondent/Complainant

For Petitioner : Mr.N. Balasubramanian,
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.98 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehends arrest at the hands of the respondent police in P.R.C.No.17 of 2022 on the file of the learned District Munsif cum Judicial Magistrate Court, Peravurani, Thanjavur District for the offences punishable under Sections 147, 148, 341, 324, 326, 506(ii) and 307 of IPC in Crime No.98 of 2014, seeks anticipatory bail.

2. This is the second application for bail and earlier the petitioner was directed to appear before the learned District Munsif cum Judicial Magistrate Court, Peravurani, Thanjavur District on the

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next hearing and to file a petition under Section 70(2) of , to recall NBW already issued against him. On the filing of such petition, the concerned learned Magistrate is directed to consider the same on its own merits and in accordance with law and pass orders on the same day. Since the learned Magistrate had issued for anticipatory bail, the present petition has been filed.

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 this is the second application for bail, 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, Peravurani 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 District Munsif cum Judicial Magistrate Court, Peravurani, Thanjavur District daily at 10.30 am., for a period of four 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].



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

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

AAV

TO

- 1.THE JUDICIAL MAGISTRATE, PERAVURANI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
SETHUBAVACHATHIRAM POLICE STATION,
SETHUBAVACHATHIRAM,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAVURANI, THANJAVUR DISTRICT.

ORDER
IN
CRL OP(MD) No.7731 of 2023
Date :25/04/2023

RK/BUC/SAR-4 (28/04/2023) 3P/6C