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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/05/2023

PRESENT
The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8478 of 2023

Manickam

... Petitioner/Accused No.3

Vs

The Inspector of Police,
Othakadai Police Station,
Madurai District.
Crime No.24 of 2023.

... Respondent/Complainant

For Petitioner : M/s. P.M.Vishnu Varthanan,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 24/2023 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
294(b), 323 and 506(ii) of IPC in Cr.No.24 of 2023, seeks
anticipatory bail.

2.The case against the petitioners is that the petitioner and
the de-facto complainant's husband jointly bid tender for Village
Panchayat Tank for Fishery, dispute over the same, both were had
difference of opinion and had a wordy quarrel on the date of
occurrence. Hence, the above case has been registered against the
petitioner.

3.On the side of the petitioner, it is stated that the
petitioner is an innocent and a false case was foisted against the
petitioner and prayed the petitioners to be released on anticipatory
bail.

4.On the side of the prosecution, it is stated that the injured
was discharged from the hospital. A1 and A2 have already been
granted anticipatory bail by the trial Court and A4 and A5 are still

<https://www.mcaonline.in/jds>



5. Considering the nature of the offence and on consideration of the fact that the injured was already discharged from the hospital and also considering the fact that A1 and A2 have already been granted anticipatory bail by the trial Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Melur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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, daily at 10.30 a.m., for a period of two 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].

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

sd/-
04/05/2023

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/05/2023

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



TO

1. The Judicial Magistrate, Melur.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Othakadai Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.8478 of 2023

Date : 04/05/2023

NA/VS/SAR-3/10.05.2023/3P/5C