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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 05/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8581 of 2023

1. Sureshkumar

2. S.Selvi

... Petitioners/Accused No.1 & 2

Vs

The State represented by  
The Inspector of Police,  
Soolakarai Police Station,  
Soolakarai,  
Virudhunagar District.  
FIR No.243/2006.

... Respondents/Complainant

For Petitioner : M/s.Murugappan.R,  
Advocate.

For Respondent : Mr.M.Muthumanikkam,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.243/2006 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 355 and 506(ii) of IPC in connection with CC No.292 of 2006, seek anticipatory bail.

2.The case of the prosecution is that the petitioners waylaid the complainant and assaulted him and also made criminal intimidation. Hence, a case in Crime No.243 of 2006 was registered against the petitioners and charge sheet was also filed for the offences punishable under Sections 341, 294(b), 323, 355 and 506(ii) of IPC and the same was taken on file by the Judicial Magistrate Court No.11, Virudhunagar, as C.C.No.292 of 2006.



3. On the side of the petitioners, it is stated that the petitioners were falsely implicated in this case and they are ready to abide by any conditions imposed by this Court. It is also stated that they will co-operate for early disposal of the case.

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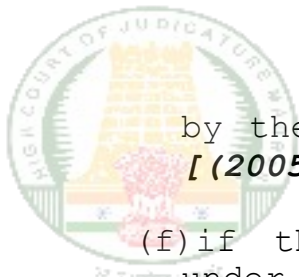
4. On the side of the prosecution, it is stated that in earlier occasions, the petitioners were granted anticipatory bail and thereafter they have absconded. Non - Bailable warrant was issued on the petitioners on various occasions. Hence, the learned Government Advocate strongly opposes for grant of anticipatory bail to the petitioners.

5. In reply, the learned counsel appearing for the petitioners undertakes that hereafter, the petitioners will sincerely co-operate for the disposal of the above case and they will not give any room for issuance of NBW.

6. Recording the undertaking given on behalf of the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Virudhunagar on condition that the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

- (a) the petitioners 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 shall report before the respondent police daily at 10.30 am until further orders;
- (c) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;
- (e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(f)if the accused thereafter absconds, FIR can be registered  
under Section 229-A IPC.

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

VRN

TO

- 1 THE JUDICIAL MAGISTRATE NO.II  
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE  
SOOLAKARAI POLICE STATION, SOOLAKARAI,  
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP(MD) No.8581 of 2023

Date :05/05/2023

SS/VR/SAR III/10/05/2023/3P/5C