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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/05/2023

PRESENT

The Hon`ble Mrs.Justice R. KALAIMATHI

CRL OP(MD). No.8633 of 2023

S.Karthikeyan@karthi ... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Poovanthi Police Station,
Sivagnagai District.
Crime No.55/2023. ... Respondent/Complainant

For Petitioner : M/s.Herold Singh.S.C., Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 55/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/2nd Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 341, 324 and 506(ii) of IPC, in Crime No.55 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, when the defacto complainant's son along with one Raja were going near TVS Pannai in his bike, the accused persons waylaid him, attacked him with beer bottles on his head and also threatened him with dire consequences. Hence, the complaint.

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3.Heard both side and perused the materials available on record including the First Information Report.

4.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and no previous case is pending against the petitioner, 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 No.II, Sivagangai, 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 respondent police daily at 10.30 am., 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 is 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/-
10/05/2023

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/05/2023

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

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
POOVANTHI POLICE STATION,
SIVAGNAGAI DISTRICT.

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-7272[I] dated 11/05/2023

ORDER
IN
CRL OP(MD) No.8633 of 2023
Date :10/05/2023

PKP/VS/SAR-3/11.05.2023/ **3P/6C**

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