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CRL OP(MD).



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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.8631 of 2023

Jothy ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai, Thanjavur District.
(Crime No.164 of 2023)

... Respondent/Complainant

For Petitioner : Mr.D.Gnanasekaran, Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.164 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294 (b), 352, 324, 427 and 380 of IPC in Crime No.164 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is one of the share holders in Nadiambal Associates, Pattukottai. When the monthly meeting of the Association was about to be conducted on 05.02.2023, the petitioner was demolishing eastern compound wall of the two wheeler stand. When the same was questioned by the defacto complainant, the petitioner assaulted him and abused him with filthy language, due to which, the defacto complainant sustained injuries. The petitioner had also taken away



the documents pertaining to the Association building. He complaint.

3. Heard both sides and perused the materials available on record.

4. It is reported that the defacto complainant has suffered only simple injuries.

5. Considering the facts and circumstances of the case and the fact that the defacto complainant has suffered only simple injuries, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, Thanjavur 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 to 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 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 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]; and;



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(f)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
10/05/2023

/ TRUE COPY /

/05/2023

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

MBI

TO

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

+1 CC to M/s.D.GNANASEKARAN, Advocate (SR-7267[I] dated 11/05/2023)

ORDER
IN
CRL OP(MD) No.8631 of 2023
Date :10/05/2023

PKP/CG/SAR-1/16.05.2023/ **3P/6C**