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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9099 of 2023

Jaisankar, ... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District
(Crime No. 251 of 2022). ... Respondent/Complainant

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

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

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

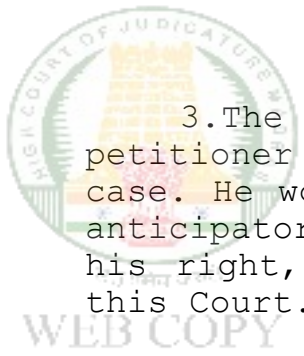
PRAYER :-

For Anticipatory Bail in Crime No. 251 of 2022 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 offence punishable under Sections 147, 148, 120(B), 447, 436, 294(b), 506(ii) of IPC and Section 4 of the Prevention of Damages to Public Property Act, 1984 in Crime No.251 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that at the instigation of the first accused, the accused persons set fire on the shed in which the goods worth about Rs.7,00,000/- were stored and the Hitachi vehicle belonging to the defacto complainant was also fired which is worth about Rs.55,00,000/-. Hence, the case was registered.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused have been granted anticipatory bail and however, the petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner and the other accused persons caused damages to the properties worth about Rs.62,00,000/- and the investigation is not yet completed.

5.Considering the facts and circumstances of the case and also the fact that the co-accused have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit to the credit of Crime No.251 of 2022 before the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, without prejudice to his rights and contentions, within a period of two weeks from the date of receipt of a copy of this order.

7.On such deposit being made, 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties **(of which one shall be a blood related surety)** each for a like sum 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police on every Tuesday and Sunday at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/05/2023

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/05/2023

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

SSB

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NATHAM,
DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9099 of 2023

Date :18/05/2023

PKP/ /SAR- /24.05.2023/ **3P/5C**