



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.8943 of 2023

Roobeshkumar : Petitioner/Rank Not Known

Vs.

State rep., by
The Inspector of Police,
Cumbam North Police Station,
Theni District.
In Crime No.71 of 2023.

: Respondent/Complainant

For Petitioner : Mr.M.Eswaran
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.side)

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

PRAYER :-

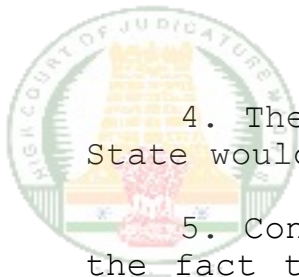
For Anticipatory Bail in Crime No.71 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 341, 324 and 506(ii) IPC, in Crime No.71 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to money dispute between the petitioner and the defacto complainant, the petitioner abused the defacto complainant and also attacked him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Crl.side) appearing for the State would submit that co-accused was released on bail.

5. Considering the facts and circumstances of the case and also the fact that the co-accused has already been granted anticipatory bail, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police on every Wednesday at 10.30 am., for a period of eight weeks and thereafter, as and when required for interrogation.

(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 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/05/2023

/ TRUE COPY /

/05/2023

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

das

<https://www.mhc.tn.gov.in/judis>



To

1.The Judicial Magistrate,
Uthamapalayam.

2.Do through the Chief Judicial Magistrate,
Theni.

3.The Inspector of Police,
Cumbam North Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.8943 of 2023
Date : 18/05/2023

NA/BUC/SAR- /23.05.2023/3P/5C