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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.9084 of 2023

Muthamizhselvan

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District
Crime No.6 of 2023

... Respondent/Complainant

For Petitioner : Mr.Balaji.A,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 6 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 341, 294(b), 324, 387 of IPC altered to Sections 147, 148, 341, 294(b), 324, 387 of IPC in Crime No.6 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.02.2023, around 08.30 pm, the defacto complainant's son and his friend, who were proceeding in a two wheeler near Valaiyamanakulam were attacked by

<https://www.mca.gov.in/>



The unknown persons threatened them with dire consequences. The defacto complainant's son fell down on the road and sustained injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the third accused in this case. Since the petitioner is having a previous case, he is implicated in this case as an accused. He would further submit that co-accused were arrested and released on bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner is having seven previous cases, out of which, five cases are pending trial.

5.Considering the facts and circumstances of this case and the fact that the co-accused were arrested and released on 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 Judicial Magistrate, Kamuthi 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 daily at 10.30 am. and 05.00 pm., for a period of three months 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.

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

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TO

1. THE JUDICIAL MAGISTRATE, KAMUTHI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3. THE INSPECTOR OF POLICE,
MANDALAMANICKAM POLICE STATION,
RAMANATHAPURAM DISTRICT

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

+1 CC to M/s.A.BALAJI, Advocate (SR-7561[I] dated 18/05/2023)

ORDER
IN
CRL OP(MD) No.9084 of 2023
Date :18/05/2023

RK/SAR-(26/05/2023) 3P/6C