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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.9320 of 2023

Murugan @ Green Eye Murugan ... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.
(Crime No.135 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Jeyakarthik.M.S.,
Advocate.

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

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

PRAYER :-

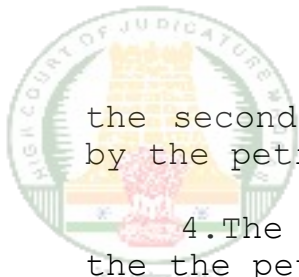
For Anticipatory Bail in Crime no.135 of 2023 on the file of the Respondent Police.

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 341, 294(b), 352 and 506(ii) of IPC, in Crime No.135 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioners along with other accused said to have abused the defacto complainant in filthy language and threatened him by showing dangerous weapons. 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. He would further submit that this is



the second anticipatory bail application. Earlier application by the petitioner was dismissed by this Court.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner is having 4 previous cases and there is no change of circumstances. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the gravity of the offence, 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 Court, Valliyoor, 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 stay at Karur and report before the Karur Town Police Station daily at 10.30 am., for a period of two 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.

sd/-

18/05/2023

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/05/2023

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

dss

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



TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION

+1 CC to M/s. JEYAKARTHIK M S, Advocate (SR-7596[I] dated
19/05/2023)

ORDER
IN
CRL OP(MD) No.9320 of 2023
Date :18/05/2023

RK/ SAR-(24/05/2023) 3P/7C