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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9664 of 2023

Nandakumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai City.
Crime No 445/2022..

... Respondent/Complainant

For Petitioner : M/s.L. Prabhu,Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

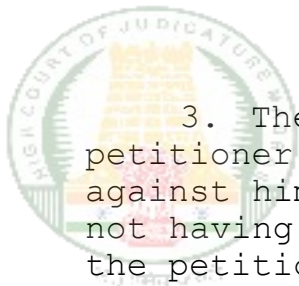
PRAYER :-

For Anticipatory Bail in Crime No.445/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324, 506(ii) I.P.C, in Crime No.445 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that both himself and the accused persons were residing in the same locality. Due to enmity on 05.10.2023 at about 05.30pm while the defacto complainant and his associate Kadhira were standing near Kamatchi Nagar, Panachayat Union Middle School, the accused persons came to the place of occurrence and questioned them why they were standing there. Further, they abused and assaulted them and also threatened them with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioner submitted the petitioner is innocent and a false complaint has been foisted against him. Injured has been discharged from the hospital and he is not having any previous case at his credit. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the accused persons were abused and assaulted the defacto complainant and his associate. In this case, investigation is not yet completed. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and 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 No.IV, Madurai**, 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 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 condition 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 everyday at 10.30 a.m., for a period of two weeks, 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 in 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/-

05/06/2023

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/06/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV
MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOODAL PUDUR POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.L.PRABHU, Advocate (SR-8013[I] dated 05/06/2023)

ORDER

IN

CRL OP(MD) No.9664 of 2023

Date :05/06/2023

PKP/MMS/SAR- /08.06.2023/ **3P/6C**