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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2023

PRESENT

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

CRL OP(MD) . No.9833 of 2023

Prem Jothi

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli.
(Cr.No.58/2023)

... Respondent/Complainant

For Petitioner : Mr.B.Anandan,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.58 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353 and 506(ii) of I.P.C., Section 25(1A) of Arms Act and Sections 8(c) and 20(b)(ii)(A) of NDPS Act, in Crime No.58 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 23.04.2023, the respondent police along with his party conducted raid at North Ariyanayagipuram, Thamirabharani Riverside, at that time, on seeing the police party, the accused persons abused them and tried to attack with deadly weapons and also threatened the police party with dire consequences. When the police party tried to catch the accused persons, one aruval fell down from Athiganesh's hand and 10 grms of Ganja fell down from the shirt packet of Anaikutty @ Mani. Hence, the case.



3. Heard. Perused the materials available on record including the First Information Report.

4. It is seen that there are four accused involved in this case, in which, the petitioner is arrayed as A1. On the confession of the co-accused, the petitioner has been implicated as an accused. Even according to the case of the prosecution, the co-accused was found in possession of 10grams of Ganja. The petitioner did not involved in any previous case sofar.

5. Taking into consideration of the facts and circumstances of the case, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Cheranmahadevi, 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, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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



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1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
MUKKUDAL POLICE STATION,
TIRUNELVELI

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-8426[I] dated 09/06/2023)

ORDER

IN

CRL OP(MD) No.9833 of 2023

Date :07/06/2023

SS/MMS/14/06/2023/3P/6C