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CRL OP(MD).



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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.9845 of 2023

Balu Mahendran

... Petitioner/Accused No.3

Vs

The Inspector of Police,
Musiri Police Station,
Trichy.
(Crime No.254 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vinoth Kumar.B,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.254 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 341,353 IPC r/w.3(1) of TNPPDL Act in Crime No. 254 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that when the defacto complainant was driving the bus the petitioner along with others restrained the bus and abused the defacto complainant in filthy language and also caused damage to the wind shield of the bus. hence the case.



3. Heard both side and perused the materials available on record including the First Information Report.

4. The learned counsel for the petitioner would submit that the petitioner is now ready and willing to deposit substantial amount as directed by this Court.

5. Taking into consideration of the facts and circumstances of the case and also the voluntary offer made by the petitioner, 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, Musiri, Trichy District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 shall deposit a sum of Rs.22,500/- to the credit in Crime No.254 of 2022 on the file of the respondent police and on receipt of the same, the learned Magistrate shall accept the sureties furnished by the petitioners.

[b] 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.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial

[f] 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].



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[g] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-
07/06/2023

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

AAV

TO

1. The Judicial Magistrate, Musiri, Trichy District.
2. Do through the Chief Judicial Magistrate, Trichy.
3. The Inspector of Police,
Musiri Police Station
Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.VINOTH KUMAR, Advocate (SR-8354[I] dated 08/06/2023)

ORDER
IN
CRL OP(MD) No.9845 of 2023
Date : 07/06/2023

NA/MMS/SAR- /09.06.2023/3P/6C