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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/06/2023

PRESENT

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

CRL OP(MD) . No.9947 of 2023

Mohammed Amir, ... Petitioner/Accused Rank unknown

Vs

State Rep.by
The Inspector of Polce,
Thazhamuthunagar Police Station,
Thoothukudi District.
Crime No.217 of 2023. Respondent/Complainant

Abdhul Kathar ...Petitioner/Intervener/Defacto Complainant
in CRL MP(MD)No. 8037 of 2023

For Petitioner : Mr.S.Vishnu Vardhan
Advocate.

For Intervenor : Mr.S. Palanivelayutham
Advocate
in CRL MP(MD)No. 8037 of 2023

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.217 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of
the respondent police for the offences punishable under sections 294
(b),324,506(ii) IPC in Crime No. 217 of 2023 on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant
is that while the defacto complainant and his son were coming in the
two wheeler, the petitioner herein abused and assaulted the defacto
complainant and threatened with dire consequences.



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

4. Taking into consideration of the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and also the fact that co-accused were granted anticipatory bail by this Court, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. Accordingly, the petitioners 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 No.II, Thoothukudi, 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 shall pay a sum of Rs.10,000/- directly to the defacto complainant and on production of proof/acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioner and also shall file an undertaking affidavit that he will not indulge in similar type of offences again.

[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 two 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].



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

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

AAV
TO

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-8344[I] dated 08/06/2023)

+1 CC to M/s.S.VISHNUVARDHAN, Advocate (SR-8365[I] dated 09/06/2023

ORDER
IN
CRL OP(MD) No.9947 of 2023
Date :08/06/2023

PKP/CG/SAR- /13.06.2023/ **3P/7C**