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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/06/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10212 of 2023

Karansingh ... Petitioner/Accused No.1

Vs

The State Rep.by
Sub-Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
(Crime No.138 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Pandian.M,
Advocate.

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

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

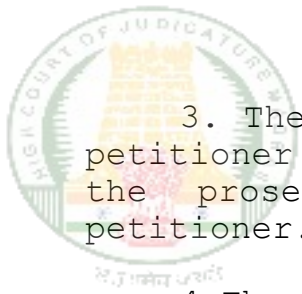
PRAYER :-

For Anticipatory Bail in Crime No.138 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, and 506(i) IPC, in Cr.No.138 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that due to previous election motive between the parties, on 02.06.2023 at about 10.00 pm, during the temple festival, the petitioners along with other accused said to have abused the defacto complainant with filthy language and also attacked him with wooden log and caused simple injuries. Hence, the complaint.



3. The learned counsel for the petitioner would submit the petitioner is innocent and not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that totally 6 accused are involved in this case. All the co-accused were arrested and released on station bail. He would further submit that it is a case and case in counter and the injured was discharged from the hospital.

5. Considering the fact that there existed previous enmity between the parties and also the facts that it is a case and case in counter, that the injured was discharged from the hospital and that the co-accused A2 and A6 were already released on station bail, this Court is inclined to grant anticipatory bail to the petitioner, but 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, Sivagiri, 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 to the Police Officer, who intends to arrest or 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 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 am for a period of one month 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]**; and;



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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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

dss

TO

1. The learned Judicial Magistrate, Sivagiri.
2. Do-Through The Chief Judicial Magistrate,
Tenkasi District.
3. The Sub-Inspector of Police,
Vasudevanallur Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.10212 of 2023

Date :13/06/2023

RD/AR (20/06/2023) 3P 5C