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CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2023

PRESENT

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

CRL OP(MD). No.10632 of 2023

1. Periyaiah.P,

2. Murugesan.M,

... Petitioners/Accused 1 & 2

Vs

The State rep.by,
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
Crime No.142/2023

... Respondent/Complainant

For Petitioner s: M/s.Karthik Kanna.N,
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.142/2023 on the file of the Respondent police.

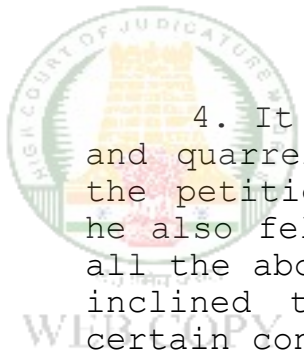
ORDER : The Court made the following order :-

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 352,323,332,294(b) and 506(ii) of I.P.C in Crime No. 142 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is a police personnel working in PEW wing said to have chased the accused persons riding in TVS XL vehicle and while transporting excess number of liquor for unauthorized sale, the accused persons said to have assaulted the police men and also threatened with dire consequences, hence the case.

<https://www.mhc.tn.gov.in/judis>

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



4. It is seen that the police personnel came to the ta: p and quarrelled with the petitioner and while stopping the vehicle the petitioner dashed against the defacto complainant and as such he also fell down and sustained injuries. Taking into consideration all the above the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Melur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood 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 petitioners 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 petitioners shall report before the learned Judicial Magistrate, Melur on all working days at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

15/06/2023

/ TRUE COPY /

/06/2023

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



TO

1. THE JUDICIAL MAGISTRATE, MELUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE INSPECTOR OF POLICE,
MELAVALLAVU POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s. N. KARTHIK KANNAN, Advocate (SR-8845[I] dated
15/06/2023)

ORDER

IN

CRL OP(MD) No.10632 of 2023

Date : 15/06/2023

RK/MMS/SAR- (19/06/2023) 3P/6C