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CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2023

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.11338 of 2023

Lakshmanan,

... Petitioner/ Accused No.4

Vs

The State represented by
The Inspector of Police,
Town Police Station,
Rameswaram,
Ramanathapuram District
(Crime No.252 of 2019).

... Respondent/ Complainant

For Petitioner : Mr.K.Gokul, Advocate.

For Respondent : A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.252 of 2019 on the file of the respondent police

ORDER : The Court made the following order :

Heard the learned counsel on either side.

2. The petitioner who apprehends arrest at the hands of the respondent Police for the offences under Sections 147, 148, 294(b), 452, 307 of IPC and Section 3 of TNPPDL Act in Crime No.252 of 2019 on the file of the respondent police, seeks anticipatory bail. The petitioner earlier filed petitions but the same were dismissed.

3. The case of the prosecution is that the petitioner and his friends after consuming food in a hotel did not pay the bill and when the defacto complainant questioned they have quarreled with him and assaulted him. This incident had taken place on 01.12.2019. We

in July 2023. More than 3½ years have lapsed. The



petitioner is a permanent resident of Ramanathapuram. The petitioner has also not arrested him so far.

4. In these circumstances, by granting Anticipatory Bail the interest of prosecution will not suffer.

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5. 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, Rameswaram, 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, 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.



1 THE JUDICIAL MAGISTRATE,
RAMESWARAM.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
TOWN POLICE STATION REMESWARAM,
RAMANATHAPURAM DISTRICT

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

+1 CC to M/s.K.GOKUL, Advocate (SR-10266[I] dated 06/07/2023)

ORDER
IN
CRL OP(MD) No.11338 of 2023
Date :05/07/2023

PKP/ /SAR- /10.07.2023/ **3P/6C**