



CRL OP(MD)No.14190 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.08.2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD)No.14190 of 2023

Athimoolam

... Petitioner/ Accused No.6

Vs

State Rep.by
The Inspector of Police,
CBCID South,
Pudukottai District
Crime No.2 of 2023

... Respondent/Complainant

For Petitioner : Mr.K. Suyambulinga Bharathi, Advocate
For Mr. S.Anantha Murugan, Advocate
For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 of Cr.P.C @ 306 of IPC @ 120(b) and 306 of IPC in Crime No.2 of 2023 on the file of the respondent police, seeks



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anticipatory bail.

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2.The learned counsel for the petitioner would contend that this petitioner has been arrayed as A6 in this case and the respondent police has foisted a false case against him and he has not committed any offence as alleged in the First Information Report. The co-accused in this case was granted bail as well as anticipatory bail by this Court. Already this petitioner was granted anticipatory bail in Crime No.1 of 2023. Even according to the case of the prosecution no specific overt act has been attributed as against the petitioner. Further the date of alleged occurrence is 25.01.2023 and now for more than six months the investigation is still pending hence he may be granted anticipatory bail.

3. The learned Government Advocate (Crl.Side)appearing for the respondent filed detailed counter stating that the offence is grave in nature and specific overt act is attributed as against this petitioner. He also shared the amount and he is the close associate of the main accused and as per the confession statement of the other accused this petitioner also shared the amount hence he objected to grant anticipatory bail to the petitioner

4. Heard both side and perused the materials available on record.

5. Considering the rival submissions on either side and considering the fact that already main accused was released on bail and also considering the date of



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registration of the First Information Report, considering that already anticipatory bail was granted in connected case and also considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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 No.II, Pudukottai 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the Inspector of Police, CBCID, Sivagangai daily at 10.00 A.M. until further orders.

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

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

[d] 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[e] If the accused thereafter absconds, a fresh FIR can be registered under

Section 229A IPC.

sd/-
10/08/2023

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/08/2023

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

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TO

1 THE JUDICIAL MAGISTRATE NO.II, PUDUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, CBCID SOUTH, PUDUKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE, CBCID, SIVAGANGAI DISTRICT.

+1 CC to M/s.S.ANANDHA MURUGAN, Advocate (SR-12262[I] dated
14/08/2023)

ORDER IN
CRL OP(MD) No.14190 of 2023
Date :10/08/2023

RS/MMS/SAR-1(14.08.2023) 4P 7C

Madurai Bench of Madras High Court is issuing
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