



CRL OP(MD)No.15084 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.15084 of 2023

Markandan

... Petitioner/ Accused No.3

Vs

State Rep.by

The Sub Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.

(Crime No.154 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.P.Veerapandi, Advocate
For Respondent : Mr.R.Sureshkumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.154 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279, 304(A) IPC altered into Sections 465, 467, 468, 420 IPC altered into Sections 211, 420, 511, 109 IPC in Crime No.154 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.03.2023, the son of the defacto



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complainant, who is the petitioner herein, travelled as pillion rider in two wheeler, which was driven by one Vinothraj and he met with an accident, in which, the son of the defacto complainant died. Hence, the defacto complainant lodged a complaint. Thereafter, the offending two wheeler does not have insurance and hence, the defacto complainant substituted another two wheeler having valid insurance, in order to claim compensation under the Motor Vehicles Act. Hence, the defacto complainant also added as an accused and alteration report also filed.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that in order to get compensation under the Motor Vehicles Act, the petitioner herein substituted another two wheeler having valid insurance. Hence, he objected to grant anticipatory bail.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain 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 District Munsif cum Judicial Magistrate Court,



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Thiruvidadimaruthur, Thanjavur District 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 trial Court on summons.

[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].



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

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Section 229A IPC.

sd/-

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/10/2023

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

gns

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-14951[I] dated 11/10/2023)

ORDER IN

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Date :10/10/2023

RS/DD/SAR-(17.10.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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