



CRL OP(MD). No.15564 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15564 of 2023

C.Sankar

... Petitioner/ Accused No.1

Vs

State Rep.by

The Inspector of Police,

Kallidaikuruchi Police Station,

Tirunelveli District.

Crime No.158 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.Gunasekaran P, Advocate.

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.158 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 307 and 506(ii) of IPC in Crime No.158 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2. The learned counsel for the petitioner would contend that the respondent police has foisted a false case against him and he has not committed any offence as alleged in the First Information Report. He would further submit that the injured has been discharged from the hospital, hence he seeks anticipatory bail.

3. The learned Additional Public Prosecutor would submit that there are totally three accused in this case and the petitioner is arrayed as A1. He would further submit that 14 previous cases are pending against the petitioner, out of which 12 cases are under provisions of Tamil Nadu Prohibition Act and two cases are under section 323 of IPC. He would further submit that injured has been discharged from the hospital and the investigation is almost completed, however 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 injured has been discharged from the hospital and considering the fact investigation was almost completed and also considering the nature of offence, 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



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the order copy made ready, before the learned Judicial Magistrate, Ambasamudram, Tirunelveli 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the concerned Jurisdictional Magistrate 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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/08/2023

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/08/2023

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



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AAV



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Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, KALLIDAIKURUCHI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC TO MR.P.GUNASEKARAN, ADVOCATE, SR-12958[I]

ORDER

IN

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Date :28/08/2023

RS/DD/SAR-(29.08.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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