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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15641 of 2023

V.Kaliappan

... Petitioner/ Accused Rank not known

Vs

The Inspector of Police,
Pettai Police Station, Pettai,
Tirunelveli City.
Cr.No.365/2023.

... Respondent/Complainant

For Petitioner : M/s. Pragalathan.N,
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. 365/2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 302 and 506(ii) of IPC in Crime No.365 of 2023 on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that due to previous enmity all the accused persons attacked the deceased with sickle and caused his death, hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged in the First Information Report. He would further submit that no specific overt act has been attributed as against the petitioner and the main allegation as against the petitioner is that he provided shelter to the main accused persons after committing the offence, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that there are totally seven accused in this case and the petitioner herein is arrayed as A6. Further A1 and A2 said to have murdered the deceased and after the occurrence the petitioner herein said to have harboured the accused and there was a conspiracy prior to the occurrence, hence he objected to grant anticipatory bail to the petitioner.

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



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6. Considering the rival submissions on either side and considering the fact that no specific overt act has been attributed as against the accused and considering that already main accused were arrested and material part of the investigation was over and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. 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.V, Tirunelveli 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 respondent police daily at 10.30 a.m., until further orders.

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



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[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/-
29/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



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3 THE INSPECTOR OF POLICE
PETTAI POLICE STATION, PETTAI,
TIRUNELVELI CITY.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-12902[I] dated 29/08/2023)

ORDER
IN
CRL OP(MD) No.15641 of 2023
Date :29/08/2023

SS/VRS/31/08/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023