



CRL OP(MD). No.15760 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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Kartheeswaran,

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.536 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.Sukumar.S.,Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public
Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.536 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 147,148,294(b),323,324 and 506(ii) of IPC



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in Crime No.329 of 2023 on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that due to some quarrel during the temple festival the petitioner herein along with other accused abused the defacto complainant in filthy language, assaulted him and also threatened with dire consequences, hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that injured has been discharged from the hospital and the co-accused were released on bail by the learned Judicial Magistrate, Melur, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that due to some quarrel during the temple festival the petitioner herein along with other accused abused the defacto complainant, assaulted him and also threatened with dire consequences. He would further submit that the injured has been discharged from the hospital and co-accused were released on bail by the learned Judicial Magistrate, Melur and it is case and case in counter however he objected to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side and considering the fact that the injured has been discharged from the hospital and co-accused were released on



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bail by the learned Judicial Magistrate, Melur and also the fact that it is a case and case in counter and also considering the fact that except 506(ii) of IPC other offences are bailable in nature, 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, Melur, Madurai 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 respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

[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/-
31/08/2023

/ TRUE COPY /

/09 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.

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

3 THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.SUKUMAR, Advocate (SR-13111[I] dated 01/09/2023)

ORDER
IN

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Date :31/08/2023

PKP/VRS/SAR- /04.09.2023/ 4P/6C

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