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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16253 of 2023

1. Pandi@pandiyan,
2. Kamalanathan,
3. Ganesh,

... Petitioners/ Accused Nos.1 to 3

Vs

State rep. by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
(Crime No.756 of 2023).

... Respondent/ Complainant

For Petitioners : M/s.Karunakaran.K.M,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.756 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused apprehends arrest at the hands of the respondent police



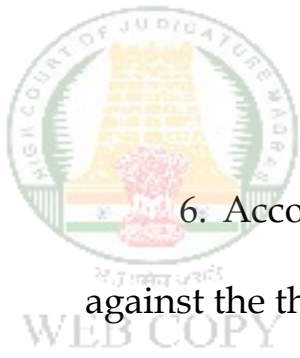
for the offences under Sections 294(b), 324, 427, 506(ii) and 379 of IPC in Crime No.756 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 30.07.2023, due to previous motive over plying the buses, the petitioners alleged to have caused damage to the defacto complainant's bus and took away Rs.49,000/- from the conductor. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocents, they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution.

4. Learned Government Advocate (Crl.side) would submit that the the third petitioner / A3, is having previous cases and the first and second petitioners are not having any previous cases. The amount stated to have taken by the petitioners, yet to be recovered.

5. Learned counsel for the petitioners submitted that he is not pressing this petition so far as the third petitioner / A3 is concerned.



6. Accordingly, this Criminal Original Petition is dismissed as not pressed as against the third petitioner herein.

7. Considering the facts and circumstances of this case, this Court is inclined to grant relief to the petitioners 1 and 2 herein, with a condition that the petitioners 1 and 2 are directed to jointly deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of the Crime No.756 of 2023 before the trial Court, for the damages caused by them to the defacto complainant's bus. The defacto complainant is at liberty to withdraw the amount, without waiting for the investigation or the trial process, as the case may be.

8. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Papanasam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners 1 and 2 shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioners 1 and 2 shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously.



9. The petitioners 1 and 2 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
08/09/2023

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

pnn

TO

1. The Judicial Magistrate, Papanasam, Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-13400[I] dated 08/09/2023)



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ORDER
IN
CRL OP(MD) No.16253 of 2023
Date :08/09/2023

SSA/JGB/26.09.2023/5P/6C

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