



CRL OP(MD)No.17594 of 2023

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

Date : 03/10/2023

PRESENT

The Hon`ble Mr.Justice **V.SIVAGNANAM**

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Justin

... Petitioner/ Accused Rank not known

Vs

The State rep. by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.223 of 2023)

... Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu
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.223 of 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 294(b) and 506(ii) of



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IPC, in Crime No.223 of 2023, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that pursuant to the complaint given by the wife of the victim, namely, Sathya, a case has been registered in Crime No.223 of 2023 initially for "Man Missing" and thereafter, it was altered into under Section 364 (A)IPC.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, the learned counsel prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the State would submit that based on the complaint given by the wife of the victim, this petitioner has been implicated in this case. He would further submit that the petitioner is having one previous case. Hence, he strongly opposed to grant anticipatory bail to him.

5.A perusal of the First Information Report would show that pursuant to the complaint given by the wife of the victim, the case has been registered initially for



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"Man Missing" and subsequently, it was altered into Section 364(A) IPC. Further, in the complaint, the wife of the victim has stated that on 07.09.2023 at about 04.00 p.m, her husband left the home, as if, he has to go to Madurai and on 08.09.2023, he contacted the complainant through phone. Further, the victim Radhakrishnan gave a statement to the respondent police wherein, he has not stated anything about the petitioner. No allegation is made against the petitioner, as if, he involved in the alleged offence.

6.In view of the above fact, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 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 :



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[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 as and when required for the purpose of interrogation.

[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].

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

sd/-
03/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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SKN
TO
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- 1 THE JUDICIAL MAGISTRATE,
MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MELAVALAVU POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-14564[I] dated 03/10/2023)

ORDER
IN

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Date :03/10/2023

SS/MGA/06/10/2023/5P/6C

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