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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17849 of 2023

Poovarsan Boomivasagam,

... Petitioner/ Accused No.2

Vs

State rep. by
The Inspector of Police,
(*S.S. Kottai Police Station
Sivagangai District.
Crime No. 51 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.Niranjan.S.Kumar,
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. 51 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police



for the offences punishable under Sections 324,341,294(b) and 506(ii) of IPC in Crime No.51 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to civil dispute 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 appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the injured has been discharged from the hospital. Therefore, he prayed for anticipatory bail to the petitioner.

4.The Government Advocate(Crl.Side) appearing for the respondent would submit that investigation in this case pending. However he fairly concedes that the injured has been discharged from the hospital and no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and no previous case is pending



against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain 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 the order copy made ready, before the learned Judicial Magistrate and Munsif Court, Singampunari 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 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:

[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 appear before the trial Court on summons

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



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[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/-
06/10/2023

(*)AMENDED AS PER ORDER OF
THE COURT DATED 19/10/2023 IN
CRL MP (MD) NO.14955 OF 2023 IN
CRL OP(MD) NO.17849 OF 2023 BY
VSGJ

TWO WEEKS TIME IS EXTENDED
FROM THE DATE OF RECEIPT OF A
COPY OF THIS ORDER TO EXECUTE
SURETIES.

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

<https://www.mhc.tn.gov.in/judis>



TO
TO BE SUBSTITUTED WITH THE ORDER DATED 06/10/2023 ALREADY
DESPATCHED

1 The Judicial Magistrate and Munsif Court, Singampunari
Sivagangai District.

2 Do through the Chief Judicial Magistrate,
Sivagangai District.

3 The Inspector of Police,
South Gate Police Station, Madurai City,
Madurai.

4 The Inspector of Police,
S.S. Kottai Police Station
Sivagangai District.

5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-14736[I] dated 06/10/2023)

ORDER
IN
CRL OP(MD) No.17849 of 2023
Date :06/10/2023

SSA/VRS/12.10.2023/5P/6C

GNS

SSA/JGB/12.10.2023/5P/7C

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