



CRL OP(MD). No.17793 of 2023

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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.17793 of 2023

Nagendran

... Petitioner/ Accused No.1

Vs

The State rep.by,  
The Inspector of Police,  
Chinnamanur Police Station,  
Theni District.  
In Crime No.385/2023..

... Respondent/Complainant

For Petitioner : M/s.Balamuruganantham.R,  
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.385/2023 on the file of the respondent police.



**CRL OP(MD). No.17793 of 2023**

**ORDER :** The Court made the following order :-

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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 in Crime No.385 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel 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.



**CRL OP(MD). No.17793 of 2023**

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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, Uthamapalayam, Theni 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.



CRL OP(MD). No.17793 of 2023

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[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.

[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

/ TRUE COPY /

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

AAV



CRL OP(MD). No.17793 of 2023

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

ORDER  
IN  
CRL OP(MD) No.17793 of 2023  
Date :06/10/2023

RK/DD (10/10/2023) 5P / 5C

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