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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.17828 of 2023

K.B.Sivagami

... Petitioner/ Accused No-2

-Vs-

State rep. by
The Inspector of Police,
Edayakottai Police Station,
Dindigul District.
(Crime No.30 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.T.Lenin Kumar, Advocate

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.30 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 294(b), 506(i) and 380 of IPC in Crime No.30 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on suspecting the accused that they stolen a sum of Rs.45,000/- and 7 ½ sovereigns of gold chain, the de-facto complainant asked the accused persons and at that time, the accused persons have abused the de-facto complainant in filthy language and also attacked him with dire consequences. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner has not committed any offence, as alleged by the prosecution and he was falsely implicated in this case. Hence, he would pray for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the accused persons and the de-facto complainant are close relatives and would further submit that A1 has one previous case in similar nature and he would strongly oppose to grant anticipatory bail to the petitioner.



5.Considering the facts and circumstances of the case, 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, Oddanchathiram, 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 issuance of 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

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

cmr



TO

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1. The Judicial Magistrate, Oddanchathiram.

2. Do through the Chief Judicial Magistrate,
Dindigul District.

3. The Inspector of Police,
Edayakottai Police Station,
Dindigul District.

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

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-14800[I] dated 09/10/2023)

ORDER

IN

CRL OP(MD) No.17828 of 2023

Date :06/10/2023

SSA/VRS/12.10.2023/5P/6C

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