



CRL OP(MD). No.17943 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17943 of 2023

Ayyapparaj

... Petitioner/ Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Panayapatti Police Station,
Pudukkottai District.
Crime No.74/2023..

... Respondent/Complainant

For Petitioner : M/s.Arun Prasad.A,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.74/2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 355, 506(i) and 379 IPC in Crime No.74 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel arose between the petitioner and the defacto complainant the petitioner said to have abused him in filthy language and also threatened him with dire consequences. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a case of case and counter case and the counter case has been registered in Crime No.73 of 2023. He would further submit that there is no previous case pending against the petitioner and the investigation of the case is pending.



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5. Considering the facts and circumstances of the case and also considering the nature of allegations made against the petitioner and that it is a case of case and counter, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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, Thirumayam, Pudukkottai 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 learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on receipt of summons.



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[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/-
09/10/2023

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

trp



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

ORDER
IN
CRL OP(MD) No.17943 of 2023
Date :09/10/2023

RK/DD (16/10/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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