



CRL OP(MD)No.18194 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.18194 of 2023

G.Mathavan

... Petitioner / Accused No.1

Vs

State through
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.234 of 2023)

... Respondent / Complainant

For Petitioner : Mr.E.Mareeskumar, Advocate

For Respondent : M/s.M.Aasha,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.234 of 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, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 387, 506(2) IPC in Crime No.234 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.08.2023, at about 12.45 pm., the accused persons followed the defacto complainant with deadly weapon and stopped him. At that time, they abused him in filthy language and and threatened him to give his money. When they tried to pick the money from the pocket of the defacto complainant, he prevented the same. Hence, they threatened him by showing weapon. At that time, the complainant screamed and hence, the accused persons escaped from the place of occurrence. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioner is having one previous case and hence, she objected 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:



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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-II, Sivakasi 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 report 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
11/10/2023

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

GNS

To

1.The Judicial Magistrate No.II,
Sivakasi.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

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

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-15160[I] dated 13/10/2023)



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ORDER

IN

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Date :11/10/2023

ED/DD/SAR- (19/10/2023) 5P / 6C

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