



CRL OP(MD). No.19351 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Shajakhan

... Petitioner/ Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
K.K.Nagar Police Station,
Tiruchirappalli.
(Crime No.1388/2023).

... Respondent/Complainant

For Petitioner : M/s.Romeo Roy Alfred.I,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1388 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/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 353, 506(1) and 379 of IPC in Crime No.1388 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 18.10.2023 at about 03.00 p.m., while the de-facto complainant and his officials were proceeding for taking possession under SARFAESI Act, the petitioner along with other accused persons were beaten them and taken away their cameras and mobile phones. 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. Therefore, he prayed for anticipatory bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent would submit that investigation in this case pending, hence, he opposed to grant anticipatory bail to the petitioner.



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5. Considering the nature of allegations and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, 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 No.II, Tiruchirappalli, 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 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/-

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/11/2023

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

SJI



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TO
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1. The Judicial Magistrate No.II, Tiruchirappalli.
 2. Do-Through The Chief Judicial Magistrate,
Trichy District.
 3. The Inspector of Police,
K.K.Nagar Police Station,
Tiruchirappalli.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.I.ROMEO ROY ALFRED, Advocate (SR-15842[I] dated 02/11/2023)

ORDER
IN
CRL OP(MD) No.19351 of 2023
Date :31/10/2023

RK/JGB (16/11/2023) 5P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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