



CRL OP(MD). No.19722 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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K.Manikandan @ Tony

... Petitioner/ Accused Rank No.2

Vs

The State represented by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.486/2023)..

... Respondent/Complainant

For Petitioner : Mr.D.Rajaboopathy,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.486/2023 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



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for the offences punishable under sections 341,294(b),323,324 and 506(ii) of IPC in

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Crime No. 486 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioner herein along with other accused waylaid the defacto complainant abused him, 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, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused waylaid the defacto complainant abused him, assaulted him and also threatened with dire consequences, hence he objected to grant anticipatory bail to the petitioner. However he fairly concedes that injured has been discharged from the hospital and no previous case is pending against the petitioner.



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5. Taking into consideration of the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner and the injured has been discharged from the hospital and the co-accused were released on bail, 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, Sivakasi, Virudhunagar 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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation;



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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]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-15968[I] dated 06/11/2023)

ORDER
IN

CRL OP(MD) No.19722 of 2023
Date :06/11/2023

SS/JGB/SAR- /07/11/2023/5P/6C

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