



CRL OP(MD). No.20430 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20430 of 2023

B Isakkimuthu @ Isakkiraja,

... Petitioner/ Accused No.2

Vs

State Rep.by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
Crime No. 158 of 2022.

... Respondent/Complainant

For Petitioner : Mr.D.Rajaboopathy, Advocate.

For Respondent : Mr.R.Sureshkumar,

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 158 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent



CRL OP(MD). No.20430 of 2023

police for the offences punishable under Sections 294(b), 324, 341, 427 and 506(II) IPC in Crime No.158 of 2022, 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 has attacked the defacto complainant and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a second anticipatory bail petition and the earlier petition filed by the petitioner in Crl.O.P(MD).No.20430 of 2023 was withdrawn by him on 10.11.2023 and the co-accused already arrested and released on bail. He would further submit that investigation of the case is pending and hence, strongly objected to granted bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that the co-accused has already released on bail, 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



CRL OP(MD). No.20430 of 2023

arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 am for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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 is 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].



CRL OP(MD). No.20430 of 2023

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

sd/-
10/11/2023

/ TRUE COPY /

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.20430 of 2023

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+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-16224[I] dated 10/11/2023)

ORDER

IN

CRL OP(MD) No.20430 of 2023

Date :10/11/2023

PKP/DD/SAR- /21.11.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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