



CRL OP(MD). No.20282 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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Muthuselvam,

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
(Crime No.100/2023)..

... Respondent/ Complainant

For Petitioner : A.S.Vaigunth, 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.100/2023 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

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police for the offences punishable under sections 294(b), 323, 324, 341, 379, 427, 448 and 506(2) IPC in Crime No.100 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner herein has damaged the household articles of the defacto complainant and taken the two sovereign of jewellery with dire consequences and issued life threat. Hence, the case.

3.The learned counsel appearing for the petitioner submitted 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, seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the property has not been recovered and the investigation of the case is pending.

5. On perusal of the FIR, it is noticed that it is a case of previous motive.



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6. Considering the nature of allegations made against the petitioner and also considering the period of incarceration 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 and the nature of the offence alleged by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioner. 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. I, Srivikundam, 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 likesum 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 conditions that :

[a] the petitioner shall affix his photograph 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.

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[b] the petitioner shall appear before the trial Court once in a month ie.on 1st working day of every English Calender month at 10.30 am until further orders.

[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/-
17/11/2023

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/11/2023
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 NO.I
SRIVAIKUNDAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KURUMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.S.VAIGUNTH, Advocate (SR-16477[I] dated 17/11/2023)

ORDER
IN
CRL OP(MD) No.20282 of 2023
Date :17/11/2023

PKP/SKN/SAR- /29.11.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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