



CRL OP(MD). No.20382 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

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Palaniyandi

... Petitioner/ Accused No.2

Vs

The State represented by
The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
(Crime No.361/2023)..

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed,
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.361/2023 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 147, 294(b), 447, 323, 324 and 506

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(ii) IPC in Crime No.361 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioner herein has attacked the defacto complainant and also abused him in filthy language. 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 based on the confession of co-accused, the petitioner herein arrayed as accused and the injured was discharged from the hospital and the co-accused has also been released on bail. He would further submit that investigation of the case is pending and hence, strongly objected to granted bail to the petitioner.



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5. Taking into consideration the facts and circumstances of the case and that the injured was discharged from the hospital and that the co-accused has already been 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 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 No.III, Dindigul 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 report before the respondent police daily at 10.30 am 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 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]**.

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

sd/-
10/11/2023
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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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- 1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE
SHANARPATTI POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.20382 of 2023

Date :10/11/2023

SS/JGB/SAR- /21/11/2023/5P/5C

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