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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.23245 of 2022

Senthil Kumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
Cr.No.655/2022.

... Respondent/Complainant

For Petitioner : M/s. Venkatesh.D,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 655/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 341,294(b),324,353 and 506(ii) of I.P.C., in Crime No. 655 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that on 24.12.2022 at about 10.50 pm., the defacto complainant who is a TNSTC Driver has dropped the passengers outside the Palani bus stand at that time the petitioner who was standing in his two wheeler caused traffic disturbance , as such the bus dashed against the petitioner. Questioning the same, the petitioner waylaid the defacto complainant abused him with filthy language and beaten him with hands, Hence the case came to be registered.



3. The learned counsel for the petitioner would submit the petitioner is innocent and due to political reason a false case has been foisted against him. He would further submit that the defacto complainant has dashed against the two wheeler of the petitioner and when it was questioned a false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that when the bus dashed against the two wheeler of the petitioner, the petitioner herein abused him with filthy language and beaten him with hands. He would also submit that four previous cases are pending against the petitioner and no one sustained injuries in the said occurrence.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the fact that no one sustained injuries in the said occurrence, this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

7. 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, Palani, 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. and 5.30 pm., 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

<https://www.courtsofjudiciary.gov.in/judges> 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/-
05/01/2023

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

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TO

1.THE JUDICIAL MAGISTRATE, PALANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VENKATESH.D, Advocate (SR-262[I] dated 06/01/2023)

ORDER
IN
CRL OP(MD) No.23245 of 2022
Date :05/01/2023

RK/SSS/SAR-2 (10/01/2023) 3P/6C