



CRL OP(MD) No.1860 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1860 of 2024

VISHNU

... PETITIONER / ACCUSED No.2

Vs

THE SUB INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.199/23

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.MALAIYENDRAN Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.199/2023 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) IPC @ 147, 148, 294(b), 323, 324, 307 and 506(ii) IPC in Crime No.199 of 2023, seeks anticipatory bail.



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2.The case of the prosecution is that on 14.08.2023, the petitioner along with the other accused had unlawfully assembled with deadly weapons, abused the defacto complainant with filthy language and caused injuries to him. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that this is the second anticipatory bail application and the earlier application filed by the petitioner in Crl.O.P(MD).No.19989 of 2023 was dismissed on 21.11.2023. on the ground that the petitioner is having five previous cases and he is a history sheeted rowdy. Hence, he prayed for dismissal of this petition.

5. This is the second anticipatory bail application and the earlier application filed by the petitioner in Crl.O.P(MD).No.19989 of 2023 was dismissed on 21.11.2023. Even after the dismissal of the earlier anticipatory bail application filed by the petitioner, the respondent Police have not arrested the petitioner for the past about three months. Hence, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioner is granted anticipatory bail and he 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, Tiruchendur, Thoothukudi 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) **the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;**

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



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(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
07/02/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

- 1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT



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

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-1518[I] dated 07/02/2024)

ORDER
IN
CRL OP(MD) No.1860 of 2024
Date :07/02/2024

SS/VR/SAR- /13/02/2024/5P/6C

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