



CRL OP(MD) No.3261 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3261 of 2024

C.SIVAPRAKASH

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
THEVARAM POLICE STATION,
THENI DISTRICT.
CRIME NO.24/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SASIKUMAR.V 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.24/2024 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
police for the alleged offence under Sections 294(b), 323, 324 and 506(ii), in Crime

No.24 of 2024, on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that on 29.01.2024 at about 06.00 p.m., the defacto complainant appeared before the respondent police for an enquiry regarding a complainant. Thereby, the opposite party in the said complaint quarrelled with the defacto complainant and abused him in filthy language and attacked him with iron rod and also threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has already obtained anticipatory bail before the trial Court in Crl.M.P.No.313 of 2024 on 06.02.2024 and in the meantime, the petitioner met with an accident, he could not able to furnish the sureties before the trial Court within the stipulated time. Hence, he filed the present petition before this Court for anticipatory bail.

4.The learned Government Advocate (Crl. side) submitted that the injured person was already discharged from the hospital and the investigation is pending. However, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that it appears to be a counter case and the injured person was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a



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period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakanur, 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 as and when required for interrogation;

(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;

(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
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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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/03/2024

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/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023. -

SJI
TO

- 1 THE JUDICIAL MAGISTRATE,
BODINAYAKANUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THEVARAM POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1. CC to M/S.SASIKUMAR.V Advocate SR.No.8617(F) DT: 01/03/2024

ORDER
IN
CRL OP(MD) No.3261 of 2024
Date :01/03/2024

PKP/GS/SAR /07.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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