



CRL OP(MD) No.4046 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Fourteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4046 of 2024

BALAJI @ VIJAY BALAJI

... PETITIONERS / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

(in CRIME No.371 of 2023)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MOHAMED RIYAZ.A 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.371/2023 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 under Sections 294(b), 324 and 506(ii) of IPC in Crime No.371
of 2023, seeks anticipatory bail.



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2.The case of the prosecution is that on 27.12.2023 an unidentified person and one Muniyaraj and Balaji came from outside to visit Kodaikanal and stated at a cottage near the defacto complainant's house. On the same day at about 11.15 p.m., they used to sing loudly and disturb the neighbours and when the same was questioned by the defacto complainant, they attacked the defacto complainant and caused injuries to him. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner is a tourist. He along with his friends and other tourist persons played and celebrated with a campfire. At that time, the defacto complainant entered into wordy quarrel with the petitioner. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the injured is discharged from the hospital. Hence, he has no objection to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the fact that the injured is discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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, Natham, 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;



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(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;

(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/-

14/03/2024

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/03/2024

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

INDU



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- 1 THE JUDICIAL MAGISTRATE,
NATHAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4046 of 2024
Date :14/03/2024

SS/VR/SAR- /19/03/2024/5P/5C

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