



CRL OP(MD). No.7203 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD). No.7203 of 2024

Muthulakshmi

... Petitioners/ Accused No.2

Vs

The Inspector of Police,
Thottiyam Police Station,
Trichy District.
(Crime No.80 of 2024)

... Respondent/Complainant

For Petitioner : Mr.M.Deepan Chakravarthi, Advocate.

For Respondent : Mr.P.Kottaichamy, Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.80 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 323 and 506(i), in Crime No.80 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Government Bus Driver. On 26.03.2024, at about 07.30 p.m, when he was driving the bus, the petitioner and A1 said to have abused the defacto complainant in filthy language and assaulted him with their hands and caused injuries. Hence, the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A1 was already arrested and thereafter, released on bail and the injured has sustained only simple injury. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the co-accused was already arrested and thereafter, released on bail and the injured has sustained only simple injury.

5. Taking into consideration the facts and circumstances of the case and also the facts that the the co-accused was already arrested and thereafter, released on bail and the injured has sustained only simple injury, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 District Munsif Cum Judicial Magistrate, Thottiyam, 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



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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 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[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/-
15/05/2024

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/05/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

<https://www.mhc.tn.gov.in/judis>



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TO

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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THOTTIYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, THOTTIYAM POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-5461[I] dated 16/05/2024)

ORDER
IN

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Date :15/05/2024

RS/VR/SAR-(21.05.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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