



CRL OP(MD). No.7910 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CRL OP(MD). No.7910 of 2024

Vijay @ Viji,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No. 41 of 2024).

... Respondent/Complainant

For Petitioner : Mr.S.Sivaprakash,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 41 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A3, who apprehends arrest at the hands of the respondent police



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for the offences punishable under Sections 147,148,324 and 307 of IPC, in Crime

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No.41 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity the accused persons assaulted the brother of the defacto complainant and caused injuries , hence the case.

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 co-accused was released on bail by this Court on 23.05.2024 hence he seeks anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that due to previous enmity the accused persons assaulted the brother of the defacto complainant and caused injuries. Hence, he objected to grant anticipatory bail to the petitioner. However he fairly concedes that the injured has been discharged from the hospital and co-accused was released on bail by this Court.



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5. Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and co-accused was released on bail by this Court, 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 Judicial Magistrate, Theni 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 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 four weeks and thereafter as and when required for interrogation.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.



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[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/-
29/05/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE,
THENI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-6012[I] dated 30/05/2024)

ORDER
IN

CRL OP(MD) No.7910 of 2024

Date :29/05/2024

SS/GS/SAR- /03/06/2024/5P/6C

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