



CRL OP(MD). No.7988 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

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Silvestar @ Silvar,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
R.S.Mangalam Police Station
Ramanathapuram District.
(Crime No. 126 of 2024).

... Respondent/Complainant

For Petitioner : M/s. Saravanan.K.,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. 126 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-



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The petitioner/ A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),307,427 and 506(ii) of IPC and Section 25(1)(a) of Arms Act in Crime No.126 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein along with his associates went to the house of the defacto complainant with deadly weapons and tried to attack the wife of the defacto complainant and also abused them in filthy language, 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, hence he seeks anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner herein along with his associates went to the house of the defacto complainant with deadly weapons and tried to attack the wife of the defacto complainant and also abused them in filthy language.

Hence, he objected to grant anticipatory bail to the petitioner. However he fairly

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concedes that no one sustained injuries in the said occurrence.

5. Considering the facts and circumstances of the case and also the fact that no one sustained injuries in the said occurrence, 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, Paramakudi, Ramanthapuram 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 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 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,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

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- 3 THE INSPECTOR OF POLICE
R.S.MANGALAM POLICE STATION
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SARAVANAN, Advocate (SR-5962[I] dated 29/05/2024)

ORDER
IN
CRL OP(MD) No.7988 of 2024
Date :29/05/2024

PKP/GS/SAR /03.06.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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