



CRL OP(MD). No.8736 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.8736 of 2024

Moorthi @ Moorthy

... Petitioner/ Accused No.9

Vs

The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District
Crime No.174/2024.

... Respondent/Complainant

For Petitioner : Mr.T.Indrachithu, Advocate.
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.174/2024 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 punishable under Sections 147, 148, 294(b), 323, 324, 307 and 120B of IPC in Crime No.174 of 2024, on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD). No.8736 of 2024

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2.The case of the prosecution is that the victim Muthumani was attacked by the accused persons with regard to the issue of questioning the act of the accused 2 and 7 in installing a shed in public place for herding and rearing pigs. The allegation as against this petitioner is that the petitioner conspired with other accused and has committed offence.

3.The learned counsel appearing for the petitioner submits that the First Information Report does not disclose any specific overt act as against this petitioner. The allegation levelled as against this petitioner is that he was a part of the criminal conspiracy with an intention to attack the victim, however, the above charge could not be made against the petitioner, since it was bereft of any proof.

4.The learned Additional Public Prosecutor appearing for the respondent submits that the investigation in this case is yet to be completed.

5.Considering the facts and circumstances of the case and also considering that there is no specific overt act as against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate Court, Rajapalayam, Virudhunagar District on condition that the



CRL OP(MD). No.8736 of 2024

petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District and on further conditions that:

- i. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii. The petitioner shall appear before the respondent police daily at 10.30 a.m, until further orders. He has to co-operate for interrogation.
- iii. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.
- iv. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
14/06/2024

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



CRL OP(MD). No.8736 of 2024

TO

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1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.T.INDRACHITHU, Advocate (SR-6546[I] dated 14/06/2024)

ORDER

IN

CRL OP(MD) No.8736 of 2024

Date :14/06/2024

RS/JGB/SAR-(27.06.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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