



CRL OP(MD). No.9987 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

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M.Sham Kumar,

... Petitioner/ Accused Rank Not Known

Vs

1. The Deputy Commissioner of Police,
Madurai City South
Madurai.

2. The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
Cr. No.41/2021.

... Respondents/Complainants

For Petitioner : Mr.N. Mohideen Basha,
Advocate.

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.41/2021 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section Man missing @ Sections 147, 148, 364, 302,404, 201 IPC under Sections 25(1-A) and 25 (1-B) of Arms Act, in Cr.No.41 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the deceased viz., Senthil Kumar was abducted by the accused to a house belonging to one Prakash and that the accused Krishna shot down the deceased with gun. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the respondent police are continuously harassing the petitioner and trying to implicate the petitioner as one of the accused in this case, hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is treated as witness and hence summon has been issued to the petitioner and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is treated as witness, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar 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 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 released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.

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

3 THE DEPUTY COMMISSIONER OF POLICE,
MADURAI CITY SOUTH
MADURAI.

4 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-7646[I] dated 09/07/2024)



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ORDER
IN
CRL OP(MD) No.9987 of 2024
Date :09/07/2024

SA/JGB/SAR. /29.07.2024/5P/7C

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