



CRL OP(MD) No.21314 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)**

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21314 of 2023

ARUN KUMAR

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

**THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT
CRIME NO.451/2023.**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.R. BOOMEE RAJAN Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO. 451 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.**

ORDER : The Court Made the following order :-



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The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 294(b), 386, 506(ii) of IPC in Crime No.451 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and the first accused threatened the defacto complainant and stolen Rs.200/- from his pocket, thereby the present complaint has been registered.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution. This petitioner has been implicated in this case falsely on confession statement of the first accused only. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would that apart from this case, three previous cases are pending against the petitioners, which are not in similar nature. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that petitioner's name was not found in the First Information Report and only based upon



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confession statement of first accused, the petitioner has been implicated in this case and though three previous cases are pending against the petitioner, that are not in similar nature, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 No.II, Thanjavur, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank

pass Book to ensure their identity;

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(c)the petitioner shall report before the respondent police daily twice at 10.30 a.m., and 5.00 p.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

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

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

sd/-
03/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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- 1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.21314 of 2023
Date :03/01/2024

PKP/VR/SAR- /09.01.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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