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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8518 of 2020

1.M.Prasanth
2.Muthaiah
3.Manohari

... Petitioners/Accused
1 to 3

Vs

The State rep.by
The Inspector of Police,
Uppiliapuram Police Station,
Trichy District.
Crime No. 970 of 2020

... Respondent/Complainant

For Petitioners : M/s N.Mohan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.970 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498A, 420 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.970 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner 2 and 3 are parents of A-1. Due to some personal motive between the parties, a case has been registered.



3.The learned counsel appearing for the third petitioner would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the first and second petitioners were arrested on 14.08.2020. He would further submit that the main allegation is only against A-1.

5.Considering the facts and circumstances of the case and also considering the fact that main allegation is only against A-1, I am inclined to grant anticipatory bail to the third petitioner with certain conditions. Since the first and second petitioners were arrested on 14.08.2020, this petition is dismissed in respect of the petitioners 1 and 2 are concerned.

6.Accordingly, the third petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, on condition that the third petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each 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 condition that:

(a)the third 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 third petitioner shall report before the respondent police as and when required for interrogation;

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

(d)the third 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 third petitioner in accordance with law as if the conditions have been imposed and the third 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;



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

sd/-
18/08/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
THURAIYUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
UPPILIAPURAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8518 of 2020
Date : 18/08/2020

SJI
TK/JC/SAR.3/20.08.2020/3P/5C