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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/02/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2285 of 2021

1. Muthu

2. Valli @ Pushpavalli

... Petitioners/Accused 1&4

Vs

The State Rep. by
The Inspector of Police,
Peraiyur Police Station,
Ramanad District.
(Crime No.169/2020).

... Respondent/Complainant

For Petitioners : Mr.Venkatesh.D,
Advocate.

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

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

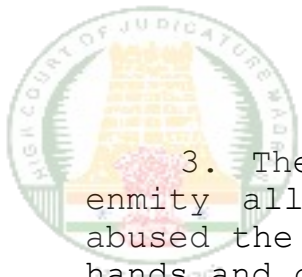
PRAYER :-

For Anticipatory Bail in Crime No.169/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 147, 148, 324 and 506(ii) of IPC., and Section 4 of TNPHW Act., in Crime No.169 of 2020, on the file of the respondent police, seek anticipatory bail.



3. The case of the prosecution is that due to some previous enmity all the accused persons unlawfully assembled together and abused the defacto complainant and also attacked her with sticks and hands and criminally intimidated her.

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4. The learned counsel appearing for the petitioners would submit that on earlier occasion, ie., on 09.10.2020, in CrI.O.P(MD) No.11083 of 2020, this Court granted anticipatory bail to the petitioners, but the petitioners could not execute the sureties within the time stipulated by this Court. Hence, prayed for the similar relief of anticipatory bail in favour of the petitioners.

5. The learned Government Advocate (crl.side) appearing for the State submitted that the injured was treated as outpatient.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured was treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
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/ /2021
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, KAMUTHI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMANAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.D.VENKATESH, Advocate (SR-1106[I] dated 17/02/2021)

ORDER
IN
CRL OP(MD) No.2285 of 2021
Date :16/02/2021

MPK
TE/JC/SAR-I : 24/02/2021 : 3P/6C