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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). Nos.5732, 5742 and 5847 of 2021

1.Shanmugam @ Shanmugasundaram
2.A.Senthil @ Senthilkumar ... Petitioners/Accused Nos.3&4 in Crl.O.P.No.5732 of 2021

J.Sangeetha ...Petitioner/Accused No.2 in Crl.O.P.No.5742 of 2021

S.Venkat Prabhu ...Petitioner/Accused No.1 in Crl.O.P.No.5847 of 2021

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Theni, Theni District
Crime No.8 of 2021 ... Respondent/Complainant in CRL OP(MD). Nos.5732 and 5742 of 2021

The Inspector of Police,
(*) All Women Police Station, Theni District.
Crime No.8 of 2021 ... Respondent/Complainant in CRL OP(MD). Nos.5847 of 2021

(*)Amended as per order of this court dated 09/07/2021 made in Crl.MP.(MD)No.3393/21 in Crl.OP (MD).No.5847/2021.

For Petitioners : Mr.M.S.Mohamed Ayub, Advocate.
For Mr.C.Jeganathan, Advocate.
(In all the petitions)
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
(In all the petitions)
For Intervener : Mr.B.Bhuvaneswaran
Advocate (In Crl.OP.No.5847 of 2021)

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

PRAYER :-For Anticipatory bail in Crime No.8 of 2021 on the file of the Respondent Police.

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COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest for the offence punishable under Sections 498(a), 294(b), 323, 406 and 506(i) I.P.C, in Crime No.8 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused namely Dr.Venkat Prabhu and the defacto complainant are husband and wife. Due to the matrimonial dispute, the case has been registered.

3. Considering the nature of allegation, this Court by order dated 03.08.2021, referred the matter to the Mediation Centre and Mr.J.Anandkumar, the learned Counsel was appointed as Mediator to solve the issue amicably between the parties.

4.Today, when the matter is taken up for hearing, Mr.J.Anandkumar, learned Mediator is present before this Court and submitted that there is no scope for any mediation between the parties.

5.Considering the above submission and the status of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, these Criminal Original Petition are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioners execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[c]the petitioners shall not tamper with the 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

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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].**

[**f**]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/09/2021

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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,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THENI, THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.5732, 5742
and 5847 of 2021
Date :20/09/2021

MSA
MK/JM/SAR.IV/29.09.2021/3P/5C

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