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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/05/2021

PRESENT

The Hon'ble Mr.Justice AA.NAKKIRAN

CRL OP(MD) . No.6586 of 2021

1. Mathiyalagan
2. Kanagaraj
3. Sakthivel
4. Selvam @ Subramani

... Petitioners/Accused
No.1 to 4

Vs

The State Rep. by
The Inspector of Police,
Inamkulathur Police Station,
Trichy District.
(Crime No.53/2021)

... Respondent/Complainant

For Petitioners : Mr.Rameshkumar.D, Advocate

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.53 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324 and 506(ii) of IPC read with Section 4 of TNPHW Act in Crime No.53 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners have assaulted the defacto complainant and also abused her with filthy language. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Further, he also submitted that no previous case is pending against the petitioners.

4.The learned Government Advocate submitted that the injured is discharged from the Hospital on 24.03.2021 and raised no serious objection in allowing this application.

5.Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondent.

6.It is seen from the submissions made that the injured is discharged from the Hospital and in view of the same, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, 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 No.V, Trichy District on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each 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]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 appear before the respondent police as and when required.

[c]the petitioners are directed to deposit a sum of Rs.2,000/- (Rupees two Thousand only) each to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e]the petitioners 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 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].



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

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sd/-
12/05/2021

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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 No.V, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
INAMKULATHUR POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9

ORDER
IN
CRL OP(MD) No.6586 of 2021
Date :12/05/2021

MBI/VRN
TE/MNR/SAR-IV : 20/05/2021 : 3P/6C