



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14.09.2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.13380 of 2021

1. Vincent
 2. Mary @ Joshphina Mary
 3. Joshmeen
- ... Petitioners/Accused No.1 to 3

Vs

State Rep. by
The Inspector of Police,
Thottiyam Police Station, Trichy District.
(Crime No.267 of 2021). ... Respondent/ Complainant

For Petitioners : Mr.T.Lenin Kumar, Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.267 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(i) IPC and Section 4 of TNPHW Act, in Crime No.267 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a dispute between the petitioners and the defacto complainant, as a result of which, the petitioners had attacked the defacto complainant and also threatened with dire consequences and caused injuries. Hence, this complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured person has been discharged

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5.Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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6.Accordingly, this criminal original petition is allowed and the petitioners are 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, Musiri, 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 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 respondent police as and when required.

[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 against the petitioners 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]**.

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

sd/-

14/09/2021

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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.

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TO

1. THE JUDICIAL MAGISTRATE,
MUSIRI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIURUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13380 of 2021
Date :14/09/2021

KMM
MK/VR/SAR.IV/25.10.2021/3P/5C