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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14756 of 2021

1. D.Moorthi
2. S.Kalaivani

... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
Thiruverambur Police Station,
Thiruverumbur,
Trichy District.
(Crime No.1019 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Karunanidhi.R, Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

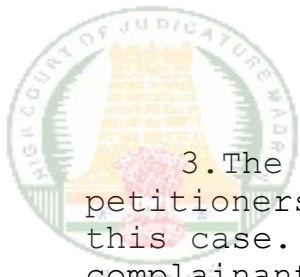
PRAYER :-

For Anticipatory Bail in Crime No.1019 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), 448, 354, 323, 506(i) IPC, in Crime No.1019 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and on 15.09.2021, the petitioners scolded the defacto complainant in filthy language and threatened her with dire consequences. Therefore, the present case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the petitioners and the defacto complainant are taking tuition for the children separately. The defacto complainant, having jealous over the second petitioner, has started to spread rumour as if the second petitioner's behaviour is not good. When the same was questioned by the petitioners, the defacto complainant scolded the petitioners in filthy language and a case was also registered in Crime No.1020 of 2021 against the defacto complainant.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is yet to be completed and it is a case of case in counter.

5.Considering the facts and circumstances of the case, the nature of allegations against the petitioners and also the fact that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and 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 No.6, Trichy, on condition that the petitioners shall 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 learned 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 as and when required for interrogation;

(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 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**



(f)if the accused/ petitioners thereafter abscond, 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.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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.6,
TRICHY.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE INSPECTOR OF POLICE,
THIRUVERAMBUR POLICE STATION,
THIRUVERUMBUR,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14756 of 2021
Date :20/10/2021

SP/CN/SAR I/27/10/2021/3P/5C

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