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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10788 of 2022

1. Prabhakar @ Prabhakaran
2. Durairaj
3. Rajeshwari
4. Ravindranath Tagore @ Raveendhar Nathgoor ... Petitioners/ Accused 1 to 4

Vs

State rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.195/2022). ... Respondent/Complainant

For Petitioners : Mr.J.Senthil Kumaraiah, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.195 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 447 and 506(ii) IPC, in Crime No.195 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute between A1 and the daughter of the de-facto complainant, the petitioners went to the de-facto complainant's shop with deadly weapons, abused him in filthy language and threatened him with dire consequences. Hence the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that no one was injured in this case and no previous case is pending against the petitioners.

5.Considering the fact that there existed matrimonial dispute between A1 and the daughter of the de-facto complainant and also the facts that no one was injured in this case, that except the offence under Section 506(ii) IPC, other offences are bailable in nature and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Natham, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, 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;

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(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
17/06/2022

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27/06/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE, NATHAM.

2. -DO-THROUGH
   THE CHIEF JUDICIAL MAGISTRATE,
   DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
   NATHAM POLICE STATION,
   DINDIGUL DISTRICT.

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

+2. CCs to M/S.SENTHL KUMARAIAH.J,Advocate SR.Nos.5682 & 5755

ORDER
IN
CRL OP(MD) No.10788 of 2022
Date :17/06/2022

SP/JM/SAR IV/27/06/2022/3P/7C

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