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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.07.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.12199 of 2022

1. S.Radha
2. R.Suresh

... Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
Ayakudi Police Station,
Dindigul District.
(Crime No.126/2022).

... Respondent/Complainant

For Petitioners : Mr.S.Balaji, Advocate.

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.126/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323 and 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, in Crime No.126 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to money transaction dispute between the parties, the petitioners and other accused abused the de-facto complainant in filthy language and attacked him and also threatened him with dire consequences. Hence the complaint.



3.No doubt, the petitioners along with other accused have filed a petition for anticipatory bail in CrI.O.P.(MD)No.10459 of 2022 and this Court has granted anticipatory bail to the accused 3 to 5 and dismissed the petition sofar as the present petitioners are concerned, as withdrawn.

4.The learned Additional Public Prosecutor would submit that the first petitioner is having one previous case and the second petitioner is having eight previous cases, in which, two cases were already disposed of and that they are not having any previous case for similar or serious offence.

5.Considering the above facts and circumstances and also the facts that the petitioners are not having any previous case for similar or serious offence and that the investigation might have been completed by this time, 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, Palani, Dindigul District, 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 until further orders

(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**



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

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Sd/-
07/07/2022

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

SJI

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,
PALANI, DINDIGUL DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.12199 of 2022
Date : 07/07/2022

SP/SVR/SAR I/12/07/2022/3P/5C