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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.12309 of 2022

1. Mukesh

(*)2. Hariharasuthan

... Petitioners/Accused No.1 & 2

(*)(amended as per the order of this
Hon`ble Court dated 21.07.2022 in CRL OP
(MD)12309 of 2022)

Vs

The State rep.by,
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime No.169/2022.

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
Advocate.

For Respondent : MR.P.Kottai chamy,
Government Advocate (Crl.Side)

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

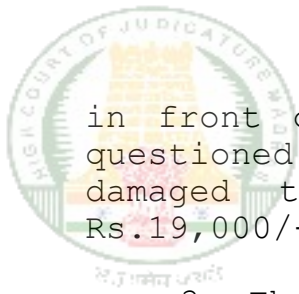
PRAYER :-For Anticipatory Bail in Crime No.169 of 2022 on the file
of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
294(b), 509, 427, 448 and 506(ii) IPC and Section 4 of Tamil Nadu
Prohibition of Harassment of Women Act, 2002, in Crime No.169 of
2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners on the
date of occurrence i.e., on 06.11.2021 said to have consumed alcohol

<https://www.mhc.tn.gov.in/judis>



in front of the house of the defacto complainant, when as questioned by her, the petitioners are misbehaved with her and damaged the windows of the defacto complainant worth about Rs.19,000/-. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioner is ready to file an undertaking affidavit before the respondent police as well as the Court that he will not indulge in such activities in future. He would further submit that the petitioners are ready to deposit a sum of Rs.19,000/-.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have damaged the windows of the defacto complainant worth about Rs.19,000/- by consuming liquor and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are ready to deposit a sum of Rs.19,000/-, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.19,000/- (Rupees Nineteen Thousand only) to the credit of Cr.No.169 of 2022 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Valliyoor, Thirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned; and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

8. After releasing on bail, the petitioner must file an undertaking affidavit stating that they will not indulge this kind of offence in future before the concerned Magistrate Court and send another copy to the concerned Police Station.



9. If any violation is noticed after filing under this Court, bail granted by this Court, shall stand automatically cancelled without reference to this Court.

sd/-
21/07/2022

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/07/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-7467[I] dated 21/07/2022)

ORDER
IN
CRL OP(MD) No.12309 of 2022
Date :21/07/2022

TRP
MK/VR/SAR.IV/01.08.2022/3P/6C