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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12758 of 2022

Ragavan,

... Petitioner/4th Accused

Vs

State Rep.by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
Cr.No.242/2022.

... Respondent/Complainant

For Petitioner : Mr.P.T.Ramesh Raja, 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.242/2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 147, 148, 294 (b), 323, 366 506(ii) and 379 IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.242 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant, namely Iyyappan lodged a complaint stating that one Vijitha is the daughter of the 1st accused. She is the defacto complainant's lover for about 3 years. On 06.07.2022, they married each other in a temple. They were taken to the police station and at that time, the 1st accused did not appear. So, they returned and when they were near the place of occurrence, the accused persons came there and assaulted them and one advocate was taken by them. The advocate was also assaulted by the accused persons and from him, one mobile phone

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criminally intimidated. Based upon the aforesaid occurrence the case has been registered. Seeking anticipatory bail, the petitioner/A4 has moved this petition.

3.The learned counsel for the petitioner would submit that A2 and A5 have been arrested and remanded to judicial custody and the petitioner herein is the brother-in-law of the 1st accused.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the mobile phone that has been snatched by the accused persons has not been recovered so far and from the confession statement of the 1st accused, it is seen that only this petitioner arranged the other people to assault the defacto complainant and to snatch the mobile phone. But according to the petitioner, no complaint was made with regard to the missing of the mobile phone.

5.In the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Additional Mahila Court, Nagercoil, Kanyakumari District, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner must deposit a sum of Rs.10,000/- to the credit of Crime No.242 of 2022 before the concerned Court towards cost of the mobile phone that was allegedly taken by him.

7.The petitioner 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 shall stand dismissed.

sd/-

15/07/2022

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/07/2022

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

MM

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



TO

1 THE JUDGE,
ADDITIONAL MAHILA COURT,
NAGERCOIL,
KANYAKUMARI DISTRICT.

2 THE INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-7183[I] dated 15/07/2022
)

ORDER

IN

CRL OP(MD) No.12758 of 2022

Date :15/07/2022

PKP/JM/SAR-1/26.07.2022/3P/5C