

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.14068 of 2022

Prabhakaran ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Karur District.
(Crime No.03 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Sivaram.J, Advocate
For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 376(i), 506(ii) I.P.C, in Crime No.03 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.On the side of prosecution, it is stated that in this case, the petitioner was already arrested on 18.04.2021 and interim bail was granted by the lower Court on 01.06.2021 in Crl.MP.No.58 of 2021. In the said order, there is no mention about the duration of interim bail. Further, it is stated that in this case, after completion of investigation, charge sheet was filed and the same was taken on file as S.C.No.74 of 2021, on the file of Mahila Court, Karur. The next hearing date is 12.10.2022.

3.It is seen from the report filed by the Sessions Judge, Karur, the interim bail granted to the petitioner on 01.06.2021 has not either been extended or the said bail petition was closed. In the above circumstances, apprehending that he may be arrested by the police, the petitioner has moved this anticipatory bail petition.

4.Considering the above facts and circumstances and after completion of investigation, in this case charge sheet was filed and the same was taken on file as S.C.No.74 of 2021, on the file of

Mahila Court, Karur, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Karur, 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 Judge concerned and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the lower Court on all hearings without fail;

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Judge/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law, as if the conditions have been imposed and the petitioner released on bail by the learned Judge/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;

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

sd/-

10/10/2022

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/10/2022

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

TO

- 1 THE ADDITIONAL MAHILA JUDGE, KARUR.
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, KARUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.14068 of 2022

Date :10/10/2022

PNM

RS/SBN/SAR.1(12.10.2022) 2P-4C