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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.14128 of 2022

Srinivasan

... Petitioner/Sole Accused

Vs

1.State Rep.by

The Inspector of Police,
Souththamaraikulam Police Station,
Kanyakumari District
(Crime No.133 of 2022)

... Respondent/Complainant

2.Sundara Selvi

(R2 is Suo Motu Impleaded as Per Order of
this Court dated 04.08.2022 in Crl OP(MD).
No.14128 of 2022 by GIJ)

... 2nd Respondent

For Petitioner : M/s.Ilayaraja.R, Advocate.
For Respondent-1 : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
For Respondent-2 : No Appearance

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

PRAYER :-

For Anticipatory Bail in Crime No. 133 of 2022 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 323, 506(i) IPC and Section 4 of TN Prohibition of Harassment
of Women Act, 2002 , in Cr.No.133 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute,
the petitioner waylaid the defacto complainant and attacked him and
also abused her daughter in filthy language and also threatened her
with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

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4.The learned Government Advocate(Crl.Side) would submit that the defacto complainant has sustained only simple injury and she has been discharged from the hospital and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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 learned Judicial Magistrate No.3, Nagerkovil** 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 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 petitioner 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 petitioner shall report before the Inspector of Police, Marthandam Police Station, Nagercoil District daily at 10.30 am until further orders.

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

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;



(f)if the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
21/09/2022

(*) AMENDED AS PER ORDER DATED
23.11.2022 IN CRL MP(MD)NO.14411 OF
2022 IN CRL OP(MD)NO.14128 OF 2022

TIME IS EXTENDED FOR FURTHER TWO
WEEKS FOR EXECUTING SURETIES, FROM
THE DATE OF RECEIPT OF A COPY OF THE
AMENDED ORDER.

/ TRUE COPY /

/12/2022

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

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 21/09/2022 ALREADY
DESPATCHED

- 1 THE JUDICIAL MAGISTRATE, NAGERCOIL.
2. THE JUDICIAL MAGISTRATE NO.3, NAGERKOVIL.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE, SOUTHAMARAIKULAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE, MARTHANDAM POLICE STATION, NAGERCOIL.

ORDER
IN
CRL OP(MD) No.14128 of 2022
Date :21/09/2022

TRP
RS/VR/SAR.2 (27.09.2022) 3P-6C
RK/BUC/SAR-3 (05/12/2022) 3P/7C