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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

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

CRL OP (MD) . No.15539 of 2022

P.Santhanakumar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Sengottai Police Station,
Tenkasi District.
(Crime No.257 of 2022).

... Respondent/Complainant

Karpagavalli

... Petitioner/Intervener/
Defacto Complainant
(in Crl.M.P. (MD)No.10744/2022)

For Petitioner : M/s.Malaikani.S, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Poornachandran, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.257 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 448, 427 and 506(i) IPC and Section 4 of Prohibition of Harassment of Women Act, in Cr.No.257 of 2022, seeks anticipatory bail.



2.The case of the prosecution is that on 22.08.2022, the petitioner and other accused trespassed into the de-facto complainant's house and also damaged his household articles. Hence, the complaint.

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3.The learned counsel for the petitioner would submit that due to enmity, a false case was foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A3 was already released on bail on condition to deposit a sum of Rs.40,000/-. Hence, he prays for anticipatory bail.

4.The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and there is no previous case pending against the petitioner and the investigation in this case is still pending. Hence, he strongly opposed to grant anticipatory bail.

6.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and also the fact that A3 was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Sengottai, 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 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 respondent police 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 FIR can be registered under Section 229-A IPC.

Sd/-
13/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
SENGOTTAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SENGOTTAI POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MALAIKANI.S Advocate SR.No.11303

ORDER
IN
CRL OP(MD) No.15539 of 2022
Date :13/10/2022