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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.15918 of 2022

1. M.Raja
2. Kupendra
3. Ponmalarselvi
4. Selvirani
5. Karpagam

... Petitioners/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Mattuthavani Police Station,
Madurai.
in Crime No. 326 of 2022.

... Respondent/Complainant

For Petitioners : Mr.N.ANANTHAPADMANABHAN, Advocate
for M/s.APN LAW ASSOCIATES

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

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

PRAYER :- For Anticipatory Bail in Crime No. 326 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),379, 323, 324, 506(i) of IPC and Section 4 of TNPHW Act in Cr.No.326 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 25.08.2022 the petitioners herein said to have abused the defacto complainant quarrelled with him and his family members and caused injuries. Hence, the complaint.



3. On the side of the petitioners, it is stated that a case and case in counter and now the dispute has been settled between them.

4. On the side of the prosecution, it is stated that there are totally seven accused in this case and the petitioners herein are A1, 2, 5 to 7 and the chain has been recovered. Further A3 and A4 were arrested and released on bail and no previous case is pending against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioners and taking note of the fact that the chain has been recovered and also the fact that A3 and A4 were arrested and released on bail and also the fact that the dispute has been resolved, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. VI, Madurai 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 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

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

(iv) the petitioners 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 Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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**



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

sd/-
08/09/2022

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

TO

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

+1. CC to M/S.APN LAW ASSOCIATES Advocate SR.No.9782

ORDER

IN

CRL OP(MD) No.15918 of 2022
Date :08/09/2022

AAV
SA/SBN/SAR.2/14.09.2022/3P/6C