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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.15982 of 2022

Mahalakshmi

... Petitioner/Accused-3

Vs

State rep.by
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
(Crime No.292/2022).

... Respondent/Complainant

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

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.292/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(2) of IPC and Section 4 of TNPHW Act, in Cr.No.292 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel regarding plucking of coconut, the petitioner herein said to have abused the defacto complainant, assaulted her and also threatened her with dire consequences. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and he has been falsely implicate in this case. It is also stated that the injured has been discharged from the hospital



4. On the side of the prosecution, it is stated that the injured was already discharged from the hospital. A1 and A2 were arrested and already released on bail and no previous case is pending against the petitioner.

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5. Considering the nature of the offence and on considering the fact that the co-accused were already released on bail and also considering the fact that the injured was discharged from the hospital and the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai, Dindigul 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 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 respondent police daily at 10.30 am., for a period of two weeks and thereafter, as and when required for interrogation.

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

(iv) 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 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/-

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/09/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
NILAKOTTAI, DINDIGUL DISTRICT.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.PANDIYARAJ S Advocate SR.No.9847

ORDER

IN

CRL OP (MD) No.15982 of 2022

Date :08/09/2022

SP/SVR/SAR I/14/09/2022/3P/6C