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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16006 of 2022

1. Murugesan
2. Bhagavathi ... Petitioners/Accused
Rank Not Known

Vs.

State rep.by
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
(Crime No.201 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Pragadeesh Kumar K, Advocate.

For Respondent : Mr.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.201 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 323, 506(i) IPC r/w. Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act , in Crime No. 201 of 2022, seek anticipatory bail.

2. The allegation against the petitioners is that he abused the defacto complainant in filthy language, assaulted her and also threatened her with dire consequences. A case in Crime No.201 of 2022, was registered against the petitioner.

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3. On the side of the petitioners, it is stated that there is a dispute regarding a graveyard, only with a prior motive, a false case was registered against the petitioners and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the petitioners are A1 and A3. There is a counter case in Crime No.200 of 2022 registered against the defacto complainant and others. The injured was discharged on 04.09.2022.

5. Considering the nature of the offence and considering the fact that the injured was already discharged from the hospital and there is a counter case in Crime No.200 of 2022 pending, this Court is inclined to grant anticipatory bail to the petitioner 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, Thottiyam, 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 2 weeks and thereafter, as and when required;

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

(d) 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 5560];*** and;

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

Sd/-
06/09/2022

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/09/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
   THOTTIYAM.

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

3. THE INSPECTOR OF POLICE,
   KATTUPUTHUR POLICE STATION,
   TRICHY DISTRICT.

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

+1. CC to M/S. PRAGADEESH KUMAR K Advocate SR.No.9711

ORDER
IN
CRL OP(MD) No.16006 of 2022
Date :06/09/2022

https://www.mhc.tn.gov.in/judis

SP/SVR/SAR II/09/09/2022/3P/6C