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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.16341 of 2022

1. P.Balamurugan

2. R.Shanmugavel

3. K.Ramar

4. V.Valarasu

... Petitioners/Accused No.1 to 4

Vs

The State rep.by,
The Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.
Crime No.189 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Thirumurugan T,
Advocate.

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

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

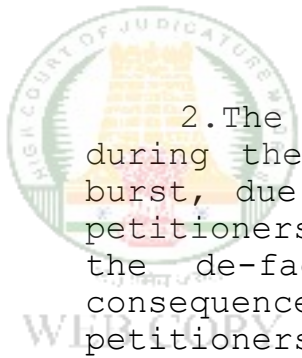
PRAYER :-

For Anticipatory Bail in Crime No.189 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 323 and 506(i) IPC Section 4 of Tamil Nadu Prohibition of
Harassment of Women Act, 2022, in Cr.No.189 of 2022, seek
anticipatory bail.

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



2.The case against the petitioners is that on 31st, during the marriage function of one Paneer Selvam, crackers were burst, due to which, there was a difference of opinion between the petitioners and the de-facto complainant and the petitioners abused the de-facto complainant and also threatened her with dire consequences. Hence, the above case has been registered against the petitioners.

3.On the side of the petitioners, it is stated that the de-facto complainant and her husband attacked the petitioners and a case in Crime No.188 of 2022 was registered against the de-facto complainant and her husband and only due to previous enmity, a false case was foisted 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 injured has sustained only simple injury and no previous case is pending against the petitioners.

5.Considering the nature of the offence and on considering the fact that there is a counter case pending against the de-facto complainant and also considering the fact that the injured has sustained only simple injury, 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, Mudukulathur, 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 5560]**; and;

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

sd/-

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

SJI

TO

1. THE JUDICIAL MAGISTRATE, MUDUKULATHUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3. THE INSPECTOR OF POLICE,
MUDHUKULATHUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S. THIRUMURUGAN T Advocate SR.No.9953

ORDER

IN

CRL OP(MD) No.16341 of 2022

Date : 12/09/2022

RK/SBN/SAR-2 (16/09/2022) 3P/6C