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CRL OP(MD).N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.16405 of 2022

1.A.Lenin Bose

2.C.Abishek

3.Prabhin

... Petitioners/Accused Nos.1,3 and 4

Vs

The State represented by
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.234/22)

... Respondent/Complainant

For Petitioners: M/s.R.Rajamohan
Advocate.

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

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

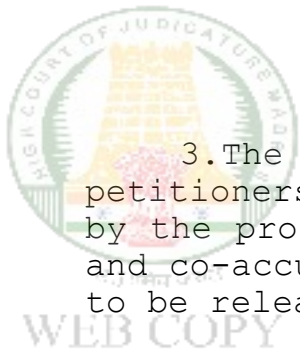
PRAYER :-For Anticipatory Bail in Crime No.234/2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1,3 and 4 who apprehends arrest at
the hands of the respondent police for the offences punishable under
Sections 294(b), 354, 427, 506(ii) of IPC in Crime No.234 of 2022,
seeks anticipatory bail.

2.The case of the prosecution is that the accused person have
teased the defacto complainant's daughter. When the incident was
questioned by the defacto complainant, the accused persons have
attacked the defacto complainant, criminally intimidated him with
threats and consequences. Hence the complaint.

<https://www.mca.gov.in/sec>



3.The learned counsel for the petitioners submitted that the petitioners/A1,A3 and A4 have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case and co-accused was already released on bail and pray the petitioners to be released on anticipatory bail.

4.The learned Government Advocate(Crl.side) submitted that there are four accused in this case. The first accused slapped the defacto complainant and the accused Nos.3 and 4 have pelted stones. Accused No.2 pushed the defacto complainant down and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case and considering the nature of offence this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are 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 No.II, Pathmanabapuram , 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 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;

(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 petitioner 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 absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
15/09/2022

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/09/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
PATHMANABHAPURAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.RAJAMOHAN, Advocate (SR-10050[I] dated 15/09/2022)

ORDER
IN
CRL OP(MD) No.16405 of 2022
Date :15/09/2022

pnn
MK/SBN/SAR.II/22.09.2022/3P/6C