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CRL OP(MD). N



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

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17695 of 2022

1. Karunanithi
2. Prathap
3. Jayalakshmi

... Petitioners/Accused Rank Nos.1 to 3

Vs

State rep. by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(In Crime No.396/2022)

... Respondent/Complainant

For Petitioners : M/s.Arun B,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.396/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 427 & 506(ii) of IPC r/w Section 4 of Tamil Nadu women Harassment Act, in Crime No.396 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 27.09.2022, the defacto complainant's son misbehaved with the petitioner's brother's wife. Angered on the same, the petitioner along with other accused attacked her and abused her with filthy language and also caused damage worth about Rs.11,000/-. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are an innocent person and they have been falsely implicated in this case.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, Theni District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each with two sureties each for a like sum 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 Aadhaar card or bank pass book to ensure their identity.

[b] Without prejudice to their contention in the trial, the petitioners shall deposit a sum of Rs.10,000/- to the credit of Crime No.396 of 2022.

(c) the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks.

[d]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioners shall not abscond either during investigation or trial.

[f]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]**.

sd/-

06/10/2022

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.B.ARUN, Advocate (SR-10993[I] dated 06/10/2022)

ORDER

IN

CRL OP(MD) No.17695 of 2022

Date :06/10/2022

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MK/SVR/SAR.I/10.10.2022/3P/6C