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CRL OP(MD). N



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

Date : 07/10/2022

PRESENT

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

CRL OP(MD). No.18055 of 2022

1.Naveen Kumar

2.Ayyatchi

... Petitioners/Accused 1&2

Vs

State represented by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.570 of 2022).

... Respondent/Complainant

For Petitioners: M/s.Poornachandran.S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.570 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 324, 427, 379 and 506(1) of IPC, in Crime No.570 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and one Panchavarnam, who is the sister of the second petitioner, are husband and wife. Due to some misunderstanding, they are living separately for the past two years. On 29.09.2022 at about 04.00 p.m., the petitioners assaulted the defacto complainant with stone and wooden log and also stolen a gold chain and cash of Rs.30,000/- from the defacto complainant's house. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) appearing for the respondent police would submit that there existed family dispute between the parties.

5.Considering the above facts and circumstances of the case and also the fact that there existed family dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, 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, Melur, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b]the petitioners shall report before the respondent police **once in a week i.e., on every Wednesday at 10.30 a.m.**, for a period of four weeks, and thereafter, as and when required for interrogation.

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

(d)the petitioners shall not abscond either during investigation or trial;

(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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/10/2022

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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,
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.POORNACHANDRAN S Advocate SR.No.11108

ORDER
IN
CRL OP(MD) No.18055 of 2022
Date :07/10/2022

SS/SVR/11/10/2022/ 3P 6C