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

Dated : 14.10.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.18333 of 2022

Gandhi Selvam

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Musiri Police Station,
Trichy District.
(Crime No.240 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Joel Paul Antony A, 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.240 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 427, 324 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Cr.No.240 of 2022, seek anticipatory bail.

2.The case against the petitioners is that there was a wordy quarrel between the parties, due to which, the petitioners attacked the de-facto complainant with hands. Hence, the above case has been registered against the petitioners.



3. On the side of the petitioners, it is stated that the petitioner and the defacto complainant were living together for 10 years. The petitioner was not present even in the place of occurrence. The petitioner is a police constable, 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 petitioner is already a married man by giving false complaint of marriage, he lived together with the defacto complainant. On the instigation of the petitioner, Accused Nos.1 and 2 in this case attacked the victim. The petitioner is having one previous case and pray the petition to be dismissed.

5. Considering the facts and circumstances of the case and considering that though the earlier petition was dismissed on 16.09.2022, the respondent has not taken any steps to arrest the petitioner so far, this Court is inclined to release the petitioner on anticipatory bail on the following conditions:

6. Accordingly, the petitioner is 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 Court, Musiri, Trichy District, 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 am for a period of 30 days and thereafter, as and when required for interrogation.

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

(d) the petitioner 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 petitioner 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 FIR can be registered under Section 229-A IPC.

Sd/-
14/10/2022

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/10/2022

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,
MUSIRI, TRICHY DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JOEL PAUL ANTONY A Advocate SR.No.11478

ORDER
IN
CRL OP(MD) No.18333 of 2022
Date :14/10/2022