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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.18275 of 2022

1. Veerapandi @ Veerapanidan
2. Mari @ Marimuthu
3. Tamilselvi
4. Latha

... Petitioners/Accused 1 to 4

Vs

State rep.by
The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.
(Crime No.24/2022).

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.24/2022 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) and 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.24 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 08.03.2022 at about 09.30 p.m., when the de-facto complainant was sleeping in her house,



some persons were abusing filthy words about the complainant in outside. When the same was questioned by the de-facto complainant, the accused persons abused her in filthy language and assaulted her and also pulled her down. Hence, the complaint.

3.The learned counsel for the petitioners would submit that due to enmity, a false case was foisted against the petitioner and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that no one has sustained injury in this case and the petitioners 1 to 3 are having one previous case and fourth petitioner is having no previous case. The investigation in this case is pending and hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that no one has sustained injury in this case, 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 their 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, Thiruchuli, 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 until further orders.

(c)the petitioners shall not tamper with 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
14/10/2022

/10/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE,
THIRUCHULI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
VEERACHOLAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.ANANDAN B Advocate SR.No.11459

ORDER
IN
CRL OP(MD) No.18275 of 2022
Date :14/10/2022

SP/BVC/SAR I/26/10/2022/3P/6C