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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

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

CRL OP(MD). No.18688 of 2022

1.Sweetlan @ Sweetlan Koilraj

2.Santham, ... Petitioners/Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi.
Crime No.243/2022.

... Respondent/Complainant

For Petitioners : M/s.Ebenezer T.A.,
Advocate.

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

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

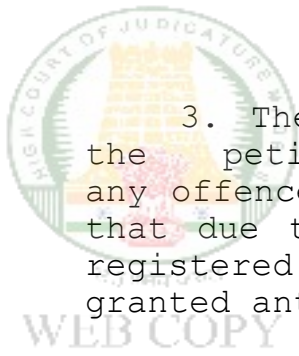
PRAYER :-

For Anticipatory Bail in Crime No.243/22 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 offences punishable under Sections 427,
294(b), 324 and 506(ii) of IPC, in Crime No.243 of 2022, seek
anticipatory bail.

2.The case of the prosecution is that the defacto complainant
went to the village of the petitioner for photography in a marriage.
Due to previous motive, the petitioner's car was damaged by the
first petitioner. When the same was questioned by the defacto
complainant, the petitioner and other accused attacked him, abused
him in filthy language and also threatened him. Hence, the
complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that due to the aforesaid occurrence, a case in counter has been registered against the defacto complainant. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the injured has already been discharged from the hospital and it is a case and case in counter and the petitioners are not having any previous case. He would further submit that the investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the injured has been discharged from the hospital and it is a case and case in counter, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, 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 a.m., 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;



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(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/11/2022

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

TO

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

+1. CC to M/S.EBENEZER T.A. Advocate SR.No.11763

ORDER

IN

CRL OP(MD) No.18688 of 2022

Date :19/10/2022

SS/GB/SAR II/02/11/2022/ 3P 6C