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

Date : 08/11/2022

PRESENT

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

CRL OP (MD) . No.19124 of 2022

1. Kannadasan
2. Chandru

... Petitioners/Accused No.2 & 3

Vs

State rep.by
The Inspector of Police,
Town East Police Station,
Thanjavur District
(Crime No.1128 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Karunakaran K.M., 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.1128 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 354B and 365 IPC, in Crime No.1128 of 2022, seek anticipatory bail.

2.The allegation against the petitioners is that the petitioners along with A1 misbehaved with the de-facto complainant. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that A1 was already arrested and released on bail by the Additional Mahila Court, Thanjavur (FAC) in Crl.M.P.No.1302 of 2022, dated 28.09.2022. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) strongly opposed this petition stating that the petitioners along with A1 misbehaved with the de-facto complainant and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that A1 was released on bail, 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 No.1, Thanjavur, 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 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 Inspector of Police, Sengipatti Police Station, Thanjavur District, 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.

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

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.
4. THE INSPECTOR OF POLICE,
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KARUNAKARAN K.M. Advocate SR.No.12632

ORDER
IN
CRL OP(MD) No.19124 of 2022
Date :08/11/2022

SP/BUC/SAR II/16/11/2022/3P/7C