



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

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

CRL OP (MD) . No.19341 of 2022

1. Ambalam,

2. Shanthi,

... Petitioners/
Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Cr.No.382/22)

... Respondent/Complainant

For Petitioner : M/s.Sathiyendran K,
Advocate.

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

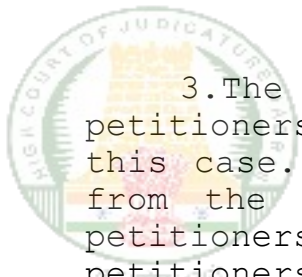
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C
PRAYER :-

For Anticipatory Bail in Crime No.382/2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
294(b), 323, 342, 506(i) of IPC and Section 4 of Tamil Nadu
Prohibition of Charging Exorbitant Interest Act, 2003, in Crime
No.382 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to
have trespassed into the house of the defacto complainant and abused
him and his parents in filthy language, threatened them with dire
consequences and demanded exorbitant interest for the amount, which
was received by the defacto complainant for his sister's marriage.
Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that totally 3 accused are involved in this case. The petitioners herein was arrayed as A2 & A3. A1 was arrested and still in custody. The injured was discharged from the hospital and no previous case is pending against the petitioners. But, however, the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and no bad antecedent is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, **each petitioner** shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of Crime No.382 of 2022, without prejudice to their rights and contentions before the learned Judicial Magistrate, Natham.

7.On production of such receipt, 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, Natham, 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 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 be registered under Section 229-A IPC.



sd/-
02/11/2022

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WEB COPY

/11/2022

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

TO

1. THE JUDICIAL MAGISTRATE
NATHAM.
2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL
DISTRICT.
3. THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19341 of 2022
Date : 02/11/2022

MGJ/VR/SAR 2 (10.11.2022) 3P 5C