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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

PRESENT

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

CRL OP(MD). No.20217 of 2022

J.Selvakumar,

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Inamkulathur Police Station,
Trichy District.
Crime No.72 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Vinayak S, 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.72 of 2022 on the file of the Respondent Police.

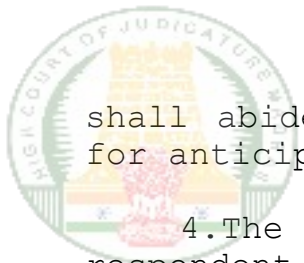
ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427, 447 and 506(i) of IPC and Section 4 of Women Harassment Act, in Crime No.72 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 06.10.2022, the petitioner along with other accused had trespassed into the defacto complainant's property and abused her in filthy language, threatened her with dire consequences and also caused damage to the property worth about 1,50,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused were

<https://www.mca.gov.in/jds>



shall abide any conditions imposed by this court. Hence, for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused trespassed into the de-facto complainant's property and caused damage to his property worth about Rs.1,50,000/- and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and considering the nature of the offence and also the fact that the co-accused were already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of **Government Rajaji Hospital, Madurai (Indian Bank, Tallakulam (233) Branch, CIF No:30418657357, IFSC Code: IDIB000T003, MICR Code: 625019008, A/c No:7097546149)** for the purpose of constructing Cancer Institute, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judge, Additional Mahila Court, Trichy District Court Complex.

7.On production of such receipt, the petitioner are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Additional Mahila Court, Trichy District Court Complex, 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 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 until further orders.

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

(d)the petitioner 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 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/-

15/11/2022

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

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT,
TRICHY DISTRICT.
- 2 THE INSPECTOR OF POLICE
INAMKULATHUR POLICE STATION,
TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DEAN,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

ORDER

IN

CRL OP(MD) No.20217 of 2022

Date :15/11/2022

cp

PKP/BUC/SAR /25.11.2022/3P/5C