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CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/11/2022
PRESENT

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

CRL OP(MD). No.20811 of 2022

Abinaya

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No.633/2022).

... Respondent/Complainant

For Petitioner : M/s.N.REKHA, Advocate
for Mr.GANDHI R, Advocate.
For Respondent : Mr.M.VEERANTHIRAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Cr No.633/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b), 323, 427, 354 & 506(ii) IPC, in Cr.No.633 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 03.11.2022. at about 03.30 p.m, the petitioner along with other accused said to have trespassed into the house of the defacto complainant and abused her in filthy language, attacked her and also caused damage to the compound wall and mobile phone. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the injured was discharged from the hospital and the co-accused (A1, A2 & A5) were already granted anticipatory bail by this Court in Crl.OP(MD)

<https://www.mhc.tn.gov.in/judis>



No.19810 of 2022 on 17.11.2022. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that totally 5 accused are involved in this case. The petitioner was arrayed as A3. The injured was discharged from the hospital and the co-accused (A1, A2 & A5) were already granted anticipatory bail by this Court. He would further submit that the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and the co-accused were already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate Court, Aranthangi, 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 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 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 as and when required for interrogation;**

(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 registered under Section 229-A IPC.

sd/-
24/11/2022

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/12/2022

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARANTHANGI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.GANDHI R Advocate SR.No.13776

ORDER

IN

CRL OP(MD) No.20811 of 2022
Date :24/11/2022

DSS
SA/VR/SAR.1/02.12.2022/3P/6C