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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21473 of 2022

1. Ramapandi ... 1st Petitioner/ 3rd Accused
2. Erulayee @ Muthuirulayee ... 2nd Petitioner/5th Accused
3. Seetha @ Seethalakshmi ... 3rd Petitioner/6th Accused

Vs

The State Rep.by
The Inspector of Police,
Aruppukkottai Taluk Police Station,
Virudhunagar District.
(Crime No.131/2022).

... Respondent/Complainant

For Petitioners : M/s.Satheesh.E,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.131/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 355, 506(i) of I.P.C, in Crime No.131 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that there was a previous enmity between the defacto complainant, with regard to the marriage of the defacto complainant's son. Due to which, on 07.09.2022, the accused persons abused and assaulted the defacto complainant and his relatives, at the time of marriage function. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them, due to previous enmity. The injured were treated as out patient. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that there was dispute between the parties, with regard to the marriage proposal of the defacto complainant's son. In this case, injured were treated as out patient and investigation is not yet completed. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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, Aruppukkottai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 the 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 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/ petitioners thereafter absconded, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/12/2022

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

PNM

TO

1. The Judicial Magistrate, Aruppukkottai.
 2. -do-Through The Chief Judicial Magistrate,
Virudhunagar at Srivilliputtur.
 3. The Inspector of Police,
Aruppukkottai Taluk Police Station,
Virudhunagar District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.E.SATHEESH, Advocate (SR-14354[I] dated 05/12/2022)

ORDER
IN
CRL OP(MD) No.21473 of 2022
Date :05/12/2022

RD/BUC/SAR-I(08/12/2022) 3P 6C