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CRL OP(MD)



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

Date : 12/01/2023

PRESENT

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

CRL OP(MD). No.811 of 2023

1. Alagarsamy
2. Ramalakshmi

... Petitioners/Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
Crime No 04 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Vinothkumar.B,
Advocate.
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 Crime No.04 of 2023 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) and 506(1) IPC and Section 5 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act in Crime No.04 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioners along with the other accused abused the de-facto complainant in filthy language and also threatened to kill him. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would further submit that the defacto complainant had borrowed an amount of Rs.50,000/- from the petitioners and the defacto



complainant has not repaid the amount and when it was questioned by the petitioners, a false complaint has been given. He would further submit that the petitioners are not financiers and they are prepared to abide by any stringent condition that may be imposed by this Court. Hence, he seeks for anticipatory bail.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that due to money dispute, the petitioners along with the other accused abused the de-facto complainant in filthy language and also threatened to kill him and hence, he would oppose for grant of anticipatory bail.

5. Heard. Perused the materials available on record including the First Information Report.

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

7. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Vadipatti, 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 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 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 a.m. 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].



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[f] If the accused thereafter abscond, a fresh FI registered under Section 229A IPC.

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

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TO

1 THE JUDICIAL MAGISTRATE,
VADIPATTI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VINOTHKUMAR.B, Advocate (SR-792[I] dated 19/01/2023)

ORDER

IN

CRL OP(MD) No.811 of 2023

Date :12/01/2023

RS/SSS/SAR.2 (27.01.2023) 3P-6C