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CRL OP(MD)



23

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.898 of 2023

Deva

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thuvakkudi Police Station,
Trichy District.
(In Crime No.116/2022).

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja R,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

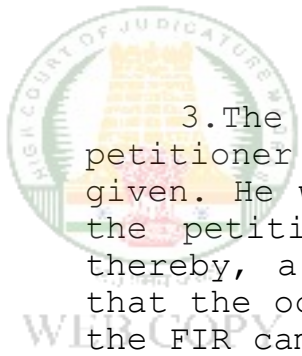
PRAYER :-

For Anticipatory Bail in Crime No.116/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Section 294(b), 323 and 506(i) of I.P.C., in Crime No.116 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the defacto complainant Murugan, is that the accused had come in an inebriated condition and quarrelled with him and demanded to give his daughter in marriage to him and when it was questioned, the petitioner has assaulted and abused him in filthy language. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is an innocent person and a false complaint has been given. He would further submit that there was a love affair between the petitioner and the daughter of the defacto complainant and thereby, a false complaint has been given. He would further submit that the occurrence is alleged to have taken place on 16.07.2022 and the FIR came to be registered only on 25.07.2022, after the delay of 9 days. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the accused had come in an inebriated condition and quarrelled with him and demanded to give his daughter in marriage to him and when it was questioned, the petitioner has assaulted and abused him in filthy language. Hence, he opposed to grant 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 petitioner, with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.6, Trichy, 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 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 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 a.m., 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 were not imposed and the petitioner released on bail by the learned



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Magistrate/Trial Court himself as laid down by the Hon'ble Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

SJI

TO

1. The Judicial Magistrate No.6,
Trichy.
2. -Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Thuvakkudi Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.898 of 2023
Date :12/01/2023

VA/MMS/SAR-3/27.01.2023/3P/5C