



WEB COPY

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.882 of 2023

1. Thenmozhi,

2. Anushiya,

... Petitioners/Accused Nos.1 & 2

Vs

State Rep by
The Inspector of Police,
Tamil University Police Station,
Thanjavur District.

Crime No. 850 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Murugesan.D.R.,
Advocate.

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

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

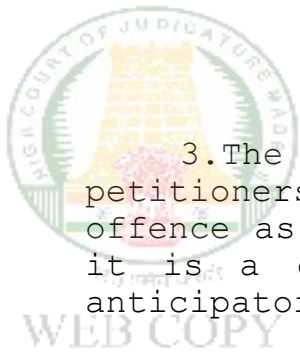
PRAYER :-

For Anticipatory Bail in Crime No.850 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(i) and 379 of I.P.C., in Crime No.850 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners had trespassed into the de-facto complainant's house, abused her in filthy language and also assaulted her with hands. In the said occurrence, the de-facto complainant had lost her ear rings, chain and cell phones. Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case and case in counter. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that due to previous motive, the petitioners had trespassed into the de-facto complainant's house, abused her in filthy language and assaulted her with hands and also snatched her ear rings, chain and cell phones. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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 Court No.II, Thanjavur, 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:

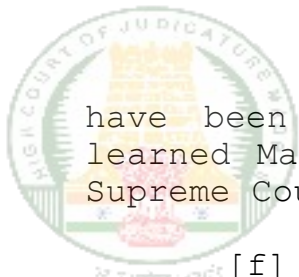
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday 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. 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].

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

sd/-
12/01/2023

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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 Court No.II, Thanjavur.
2. Do Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Inspector of Police,
Tamil University Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.MURUGESAN.D.R, Advocate (SR-678[I] dated 12/01/2023)

ORDER

IN

CRL OP(MD) No.882 of 2023

Date : 12/01/2023

TR/BUC/SAR-II(24.01.2023) 3P 6C