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CRL OP(MD).



23

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

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4270 of 2023

1.Sakthivel

2.Vijayarani

... Petitioners / Accused No.1 & 2

Vs

State Represented by its
The Inspector of Police,
Megananapuram Police Station,
Thoothukudi District.
(Crime No.15/2023.)

... Respondent / Complainant

For Petitioners : Mr.T Augustine Ebenezer,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PRAYER :-

For Anticipatory Bail in Crime No. 15/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 427 and 506(i) of IPC in crime No.15 of 2023 on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel the petitioners herein along with other accused abused the defacto complainant, assaulted him and also threatened him with dire consequences and also caused damage to the bricks.

3. The learned counsel for the petitioner would submit that the petitioners are innocent and a false case has been foisted against them. The learned counsel for the respondent would also submit that without prejudice to their rights



they are ready and willing to deposit a sum of Rs.30,000/- to the credit in crime number, hence they seek bail.

4. The learned Additional Public Prosecutor would submit if the petitioners are ready to deposit the amount, this Court may pass appropriate orders

5. Taking into consideration the facts and circumstances of the case and also petitioners have come forward to deposit the said a sum of Rs.30,000/- without prejudice to their rights and contentions to show his *bonafide*, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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, Sathakulam on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 deposit the sum of Rs.30,000/- to the credit in crime number 15 of 2023 before the learned Judicial Magistrate, Sathakulam without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

AAV

TO

1.The Judicial Magistrate,
Sathankulam.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Megnanapuram Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to T AUGUSTINE EBENEZER Advocate SR.No.3480

ORDER

IN

CRL OP(MD) No.4270 of 2023

Date :06/03/2023

ED/CG/SAR- 4(09/03/2023) 3P 6C