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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2023

PRESENT

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

CRL OP(MD) . No.4471 of 2023

Rajapandi

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Varusanadu Police Station,
In Crime No.34 of 2023.
Theni District..

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.34 of 2023 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 sections 448, 354(B) and 506(i) of IPC in Crime No. 34 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant is that her marriage was solemnized with one Francis 13 years back and out of the wedlock she had two children and her husband is working as a cable TV operator. On 20.02.2023 at about 4.00 pm., the petitioner said to have come to her house and informed that cable TV connection is not working, for which the defacto complainant replied that she will inform her husband. Suddenly the petitioner said to have locked the door and pulled her hand with bad intention, when she raised alarm he escaped from the place, hence the case.



3. Heard both side and perused the materials available on record including the First Information Report.

4. Taking into consideration of the facts and circumstances of the case and also the fact that no one sustained injuries in the said occurrence, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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, Aundipatti 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 respond to police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

[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 have been imposed and the petitioner 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].

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

sd/-
09/03/2023

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/03/2023

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



1 THE JUDICIAL MAGISTRATE
AUNDIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
VARUSANADU POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.SUSI KUMAR C Advocate SR.No.4090

ORDER

IN

CRL OP(MD) No.4471 of 2023

Date :09/03/2023

SS/MMS/SAR IV/16/03/2023/3P/6C