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CRL OP(MD).



23

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

Date : 13/03/2023

PRESENT

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

CRL OP(MD) . No.4677 of 2023

1. Ramu @ Ramu Ammal
2. Vijayalakshmi
3. Murugesan
4. Subramani
5. Prabhakaran ... Petitioners/Accused 1 TO 5

Vs

The State rep.by,
Inspector of Police,
Government Hospital Police Station,
Trichy.
Cr.No.92/2022. ... Respondent/Complainant

For Petitioners : M/s. R.Aravindraj, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 92/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 120, 294(b), 354, 425, 431, 441 and 506(ii) of I.P.C and section 4 of TNPHW Act in Crime No. 92 of 2022 on the file of the respondent police, seek anticipatory bail.

<https://www.hc.madras.gov.in/judis>



2. The case of the prosecution as per the de-facto complainant is that there existed civil dispute between them and the accused family. Hence on 16.10.2020 the petitioner along with the other accused had beaten the defacto complainant and her husband and also demolished the compound wall of the house of the defacto complainant. The defacto complainant had given complaint before the respondent since no action has been taken the defacto complainant had approached the learned Judicial Magistrate(Additional Mahila Court) Trichy and on the direction of the learned Judicial Magistrate as per section 156(3) of Cr.P.C the present case has been registered.

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 some of the co-accused were granted anticipatory bail by this Court, this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. 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(Additional Mahila Court) Trichy , 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:

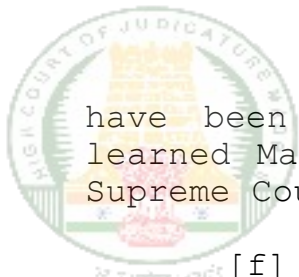
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the third petitioner alone 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. 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/-

13/03/2023

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/03/2023

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

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TO

1.THE JUDICIAL MAGISTRATE(ADDITIONAL MAHILA COURT) TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE,
GOVERNMENT HOSPITAL POLICE STATION,
TRICHY.

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

+1 CC to M/s.R.ARAVINDRAJ, Advocate (SR-4256[I] dated 15/03/2023)

ORDER

IN

CRL OP(MD) No.4677 of 2023

Date :13/03/2023

RK/BUC/SAR-1(16/03/2023) 3P/6C