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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2023

PRESENT

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

CRL OP(MD) . No.5200 of 2023

Nagarajan

... Petitioner/Accused-1

Vs

State Rep.by
The Sub Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.215/2022).

... Respondent/Complainant

For Petitioner : D.Selvaraj, 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.215/2022 on the file of the respondent police.

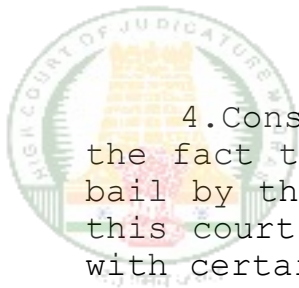
ORDER : The Court made the following order :-

The petitioner/A1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 342, 294(b), 323, 420 and 506(ii) I.P.C r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.215 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Ramalakshmi is that the first accused, who is her elder brother, had gone to the house with the second accused Ranjith Prabhu on 10.02.2019 and had induced her to deposit money in one coin scheme and she deposited Rs.3,09,000/- and when the defacto complainant had requested for repayment of the same, the accused had abused her in filthy language and assaulted her with wooden logs. Hence, the complaint.

3.Heard. Perused the materials available on record including the First Information Report.

<https://www.mhc.tn.gov.in/judis>



4. Considering the facts and circumstances of the case, so the fact that the co-accused have already been granted anticipatory bail by this Court in Crl.O.P.(MD)No.135 of 2023, dated 05.01.2023, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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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, Rajapalayam, Virudhunagar District, 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., 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/-

20/03/2023

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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, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE, DHALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.D.SELVARAJ, Advocate (SR-4560[I] dated 20/03/2023)

ORDER

IN

CRL OP(MD) No.5200 of 2023

Date :20/03/2023

RS/SBN/SAR-1(29.03.2023) 3P 6C