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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

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

CRL OP(MD). No.5431 of 2023

R.S.Beena ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.8/2023). ... Respondent/Complainant

For Petitioner : M.P.Senthil, 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.8/2023 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 420, 294(b) and 506(i) of I.P.C., in Crime No.8 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to money transaction dispute, the petitioner abused the de-facto complainant in filthy language and threatened her with dire consequences. Hence, the case.

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

4.It is seen that there was a money transaction dispute between the petitioner and the de-facto complainant herein. After receipt of the loan amount, the petitioner failed to repay the same. Therefore, it is case of money transaction dispute between the petitioner and the de-facto complainant, 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 Court No.I, Kuzhithurai, 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 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/-
23/03/2023

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/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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TO

1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-4785[I] dated 24/03/2023)

ORDER
IN
CRL OP(MD) No.5431 of 2023
Date :23/03/2023

RS/BUC/SAR-3(10.04.2023) 3P 6C

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