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CRL OP(MD).



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

Date : 24/03/2023

PRESENT

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

CRL OP(MD) . No.5528 of 2023

B.Maruthupandi

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Golden Rock Police Street,
Trichy City.
(Crime No.450/2022).

... Respondent/Complainant

For Petitioner : S.Vijayakumar,
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.450/2022 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 294(b), 354-D, 354-A(1)(i) and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.450 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the de-facto complainant was proceeding to her house, the petitioner also followed her and scolded her and also used to harass the de-facto complainant sexually by speaking double meaning. Hence, the case.



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

4. Taking into consideration of the facts and circumstances of the case, 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 Additional Mahila Court, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 file an undertaking affidavit before the learned Magistrate that he will not indulge in similar type of offences again while furnishing sureties. Failing which, the anticipatory bail already granted shall stand dismissed automatically.

[c] the petitioner shall report before the respondent police daily at 10.30 am. and 05.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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



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6.It is made clear that if the petitioner violates order of this Court, the respondent police is at liberty to secure the petitioner and proceed in accordance with law.

sd/-
24/03/2023

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/04/2023

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

SJI

TO

1.THE JUDGE, ADDITIONAL MAHILA COURT, TRICHY.

2 THE INSPECTOR OF POLICE,
GOLDEN ROCK POLICE STREET,
TRICHY CITY.

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

+1 CC to M/s.S.VIJAYAKUMAR, Advocate (SR-4821[I] dated 24/03/2023)

ORDER
IN
CRL OP(MD) No.5528 of 2023
Date :24/03/2023

RK/VR/SAR-2(06/04/2023) 3P/5C