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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

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

CRL OP(MD). No.5896 of 2023

Prem Kumar, ... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.
in Crime No.102/2023.. ... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu, 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 Cr No.102/2023 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 294 (b), 354, 354(A) and 506(i) of IPC in Crime No. 102 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.02.2023 @ 10.30 hrs the petitioner herein made a phone call to the defacto complainant and scolded her using abusive words and also threatened with dire consequences and tried to misbehave with her.

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

4. It is seen that the defacto complainant is running a dance troop in which the petitioner already worked as driver and removed from work. Due to enmity a false case has been

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foisted against the petitioner and he has been falsely impl. In this case. 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 Judicial Magistrate, Additional Mahila Court, Srivilliputhur 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 file an undertaking affidavit before the respondent police that he will not indulge in similar type of offences again. Further the petitioner shall report before the respondent 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/-
29/03/2023

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



AAV
TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR.

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

3 THE SUB INSPECTOR OF POLICE
SRIVILLIPUTTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-5062[I] dated 29/03/2023)

ORDER

IN

CRL OP(MD) No.5896 of 2023

Date :29/03/2023

PKP/BUC/SAR-4/03.04.2023/ **3P/6C**