



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/04/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.6433 of 2023

1.Muthukumar
2.Ayyanar
3.Arun
4.Annammal @ Vaigai Priya ... Petitioners/Accused (Rank not known)

Vs

State rep., by
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No.103 of 2023)

... Respondent/Complainant

For Petitioners : Mr.S.Vikram, 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.103 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/rank not known, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b), 354 and 506(i) of IPC and r/w Section 4 of TNPHW Act in Crime No.103 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 06.02.2023 at about 05.00 pm., when the defacto complainant, after completing the college, entered into her home, at that time, all the petitioners were stay and restrained the defacto complainant for entering her house and also threatened her father. Therefore, the defacto complainant gave a complaint before the respondent police. Enquiry was conducted against the petitioners herein. Based on the complaint, the respondent also registered an FIR. Hence, the case.



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

4. It is seen from the FIR that the third petitioner/accused acted as an outrage her modesty with ulterior motive and also he shown his private part to the victim girl and abused her in filthy language. Taking into consideration of the facts and circumstances of the case and the gravity of offence against the third petitioner/accused, the custodial interrogation of the third petitioner is very much required. Therefore, this court is not inclined to grant anticipatory bail to the third petitioner. In so far as the petitioners 1, 2 and 4 is concerned, this Court is inclined to grant anticipatory bail to them with certain conditions:

5. Accordingly, the petitioners 1, 2 and 4 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 No.I, Rajapalayam, 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 1, 2 and 4 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 petitioners 1, 2 and 4 shall report before the respondent Police as and when required for interrogation.

[c] the petitioners 1, 2 and 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 1, 2 and 4 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 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/-

06/04/2023

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/04/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, RAJAPALAYAM.

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

3 THE INSPECTOR OF POLICE, RAJAPALAYAM NORTH POLICE STATION,
VIRHDUNAGAR DISTRICT.

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

+1 CC to M/s.S.VIKRAM, Advocate (SR-5679[I] dated 11/04/2023)

ORDER

IN

CRL OP(MD) No.6433 of 2023

Date :06/04/2023

RS/MMS/SAR-3(18.04.2023) 3P 6C