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CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.04.2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6797 of 2023

1.Justin
2.Julie
3.Selvaraj
4.Peter @ Peter Amalraj
5.Vimal @ Vedha Vimalarajan ... Petitioners/Accused Nos. 1 to 5

Vs

State Rep.by
The Inspector of Police,
Theppakulam Police Station,
Madurai.
Cr.No.159 of 2023. ... Respondent/Complainant

For Petitioners : M/s.P.Kalimuthu, Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

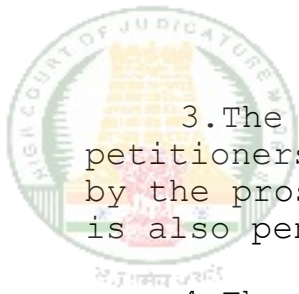
PRAYER :-

For Anticipatory Bail in Crime No.159 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(B), 323 and 506(i) of IPC r/w Section 4 of Women Harassment Act, in Cr.No.159 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute between the parties, the petitioners attacked the de-facto complainant and abused her in filthy language. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and not committed any offence as alleged by the prosecution. He would further submit that the case in counter is also pending against the de-facto complainant party.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the injured was discharged from the hospital.

5.Considering the fact that there existed neighbourhood dispute between the parties and also the facts that the injured was discharged from the hospital and that the case in counter is also pending against the de-facto complainant party, this Court is inclined to grant anticipatory bail to the petitioners but with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 shall report before the respondent police daily at 10.30 am for a period of ten days and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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]**; and;



(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
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/04/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KALIMUTHU.P, Advocate (SR-6026[I] dated 18/04/2023)

ORDER
IN
CRL OP(MD) No.6797 of 2023
Date :13/04/2023

PKP/BUC/SAR-1/24.04.2023/ **3P/6C**