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CRL OP(MD).



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

Date : 17/04/2023

PRESENT

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

CRL OP(MD) . No.6809 of 2023

1. P.Prabhakaran

2. K.C Arunkumar

... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.351/2023)

... Respondent/Complainant

For Petitioners : M/S.Dhana Aravindha Balaji.V.A, Advocate
for M/s. Dhana Law Associates,

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 Crime No.351 of 2023 on the file of
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2 who apprehend arrest at the hands of
the respondent police for the offences punishable under sections
294(b), 406 and 506(i) of I.P.C in Crime No. 351 of 2023 on the file
of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant
is that due to money dispute the petitioners abused the defacto
complainant in filthy language and also threatened him with dire
consequences. Initially the father of the defacto complainant had
given complaint before the Nagamalai Pudukottai Police Station and
the same was closed as civil dispute. Thereafter the defacto



complainant had sent another complaint for the very same offence and the First Information Report has been registered on the direction issued under section 156(3) of Cr.P.C by the learned Judicial Magistrate No.V, Madurai.

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

4. It is seen that the dispute is pending between the partners and civil suit is also pending in O.S. NO.128 of 2022 on the file of the District Munsif, Madurai Town . That apart First Information Report came to be registered as per the direction under section 156 (3) by the learned Judicial Magistrate No.V, Madurai. Taking into consideration all the above facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. Accordingly, the petitioners 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.V, Madurai 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 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 a.m., for a period of two weeks 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].



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[f] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-

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

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TO

- 1.THE JUDICIAL MAGISTRATE NO.V, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DHANA LAW ASSOCIATES, Advocate (SR-5932[I] dated
17/04/2023)

ORDER

IN

CRL OP(MD) No.6809 of 2023

Date :17/04/2023

RK/BUC/SAR-1 (21/04/2023) 3P/6C