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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2023

PRESENT

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

CRL OP(MD) . No.7356 of 2023

1. Premkumar

2. Gowtham

... Petitioners/Accused 1,2

Vs

The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.
Crime No.35 of 2023.

... Respondent/Complainant

For Petitioner : M/s.N.Sathishwaran
for Mr.C.Jeganathan,
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.35 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 342 and 506(ii) of I.P.C r/w Section 4 of Women Harassment Act in Crime No.35 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is having some landed property and he gave the same to the de-facto complainant for maintenance. The further allegation is that the first petitioner has decided to sell the said property in favour of the third parties and after coming to know that the de-facto complainant had developed grudge and when the same was questioned by the petitioners, there was a scuffle arose, in which, the petitioners attacked the de-facto complainant and his wife. Hence, the case.



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

4. Considering the above facts and circumstances of the case and also the fact that there existed wordy quarrel between the parties, 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, Paramakudi, 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].

[f] If the accused thereafter absconds, a fresh FIR can be 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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1. The Judicial Magistrate, Paramakudi.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Paramakudi Taluk Police Station,
Paramakudi,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.7356 of 2023
Date :20/04/2023

SS/MMS/SAR I/27/04/2023/3P/5C