



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.7380 of 2023

WEB COPY

1. M.Karthick @ Karthikeyan
2. M.Manjula
3. A.Jekkapraj

... Petitioner/Accused No.3,5 & 7

Vs

State Rep.by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
Crime No.262 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Durai Pandian.K.S, 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.262 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3, A5 and A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 352, 354 and 506(ii) of I.P.C., r/w Section 4 of Woman Harassment Act, in Crime No.262 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the complainant Clara Mary is the witness of one murder case and the petitioners threatened her stating that not to depose evidence in the murder case. When it was refused, on 03.04.2023, the petitioners herein have committed the offence as against the de-facto complainant. Hence, the case.

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

4.It is seen that the first petitioner is an accused in the murder case under Section 302 IPC, in which, the de-facto complainant is one of the witness in S.C.No.89 of 2020 on the file of the Principal District Court, Thanjavur, was threatened by the petitioners. The learned Additional Public Prosecutor would submit



that now the case is posted for arguments. Therefore, the witnesses are also examined.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. 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 District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, 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 1 and 3 shall report before the respondent Police, daily at 10.30 a.m. and 05.30 p.m, for a period of two weeks and thereafter, as and when required for interrogation; and the second petitioner shall report before the respondent police 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/-

20/04/2023

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/04/2023

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

SJI

<https://www.mhc.tn.gov.in/judis>



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.7380 of 2023

Date :20/04/2023

RS/MMS/SAR-4 (27.04.2023) 3P 5C