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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/05/2023

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.8464 of 2023

Aravind,

... Petitioner/Accused No.2

Vs

State Rep.by

The Inspector of Police,

Thuraiyur Police Station,

Trichy District.

In Crime No.146 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu.B.,Advocate

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.146 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC in Cr.No.146 of 2023, seeks anticipatory bail.

2.The case against the petitioner is that due to previous enmity between the parties, the petitioner along with other accused abused the de-facto complainant and her husband in filthy language and also attacked them with wooden lock and caused injuries. Hence, the case.

3.On the side of the petitioner, it is stated that the de-facto complainant and others attacked the petitioner and a case in Crime No.145 of 2023 was registered against the de-facto complainant and

<https://www.hc.madras.gov.in/judis>



others and only due to enmity, a false case was foisted against the petitioner. It is further stated that the co-accused was already granted anticipatory bail and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that due to enmity, the petitioner along with other accused abused the de-facto complainant and her husband in filthy language and also attacked them with wooden lock and caused injuries and prayed the petition to be dismissed.

5. Considering the nature of the offence and on considering the fact that there is a counter case pending against the de-facto complainant and also considering the fact that the co-accused was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thuraiyur, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].



CRL OP(MD)



23

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

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THURAIYUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8464 of 2023
Date :04/05/2023

PKP/VR/SAR-3/08.05.2023/ **3P/5C**