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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.05.2023

PRESENT

The Hon`ble Mrs.Justice R.KALAIMATHI

CRL OP(MD) . No.8642 of 2023

1.Jagathees
2.Amalanathan

... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
(Crime No.49 of 2023)

... Respondent/Complainant

For Petitioners : Mr.F.Mohamed Haneef, Advocate.
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.49 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused 1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b) and 506(2) IPC and Section 4 of TNPHW Act, 2002, in Crime No.49 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a police constable. On 17.04.2023, at about 09.00 p.m., while she was driving his two wheeler, the petitioners waylaid her, abused her in filthy language and also threatened her with dire consequences. Hence, the complaint.

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



4. Taking into consideration the facts and circumstances of the case and also the fact that the petitioners are not having any previous cases and also the fact that no one was injured in the incident, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

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5. 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 Court No.II, Kuzhithurai, 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 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 learned Magistrate may obtain a copy of their Aadhaar 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 the 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 are 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/05/2023

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/05/2023

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

CSM



TO

1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8642 of 2023

Date :10/05/2023

RS/VR/SAR-3(17.05.2023) 3P 5C