



WEB COPY

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.8674 of 2023

1.Franklin @ Franklin Fernando
2.Amalametilda

... Petitioners/Accused No.1&2

Vs

State represented by its
The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
(Crime No.164 of 2023)

... Respondent/Complainant

For Petitioners : Mr.C.Susi Kumar, Advocate.
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

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

PRAYER :-

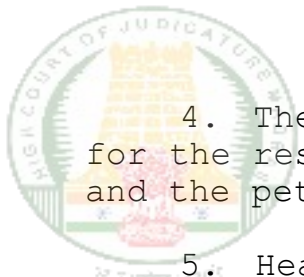
For Anticipatory Bail in Crime No.164 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b) and 506(1) IPC, in Crime No.164 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the brother of the defacto complainant and the second petitioner is the wife of the first petitioner. Due to family dispute, on 07.05.2023, the petitioners had abused the defacto complainant in filthy language and also threatened her. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution.



4. The learned Government Advocate (Criminal Side) for the respondent submitted that no one was injured in the incident and the petitioners are not having any previous cases.

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

6. Considering the above facts and circumstances of the case and also the fact that the injured has already been discharged from the hospital and also the fact that the petitioners are not having any previous cases, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. 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, Valliyoor, 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

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



TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-7325[I] dated 11/05/2023)

ORDER

IN

CRL OP(MD) No.8674 of 2023

Date :10/05/2023

RS/VR/SAR-3(12.05.2023) 3P 6C