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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.8700 of 2023

Victor

... Petitioner/Accused

Vs

The State represented by its
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.83 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.Sivakumar,
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.83 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 447, 294(b), 324 and 506(2) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.83 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to pathway dispute, on 07.04.2023 at about 13.00 hours, the petitioner attacked the defacto complainant and threatened her with dire consequences. Hence, the complaint.

3. Heard both sides and perused the materials available on record including the First Information Report. It is reported that the petitioner is having three previous cases, in which, one case was already disposed of.



4. Taking into consideration the facts and circumstances of the case and also the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Kuzhithurai, 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 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 Aadhaar 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 the 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 is 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 229-A IPC.

sd/-
10/05/2023

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

CSM



TO

1. The Judicial Magistrate No.2,
Kuzhithurai.

2. Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-7266[I] dated 10/05/2023)

ORDER

IN

CRL OP(MD) . No.8700 of 2023

Date : 10.05.2023

NA/BUC/SAR-3/12.05.2023/3P/6C