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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/05/2023
PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8872 of 2023

1. Sudaroli,
2. Ramkumar,
3. Muthupandi, ... Petitioners/Accused No. 1 to 3

Vs

The State rep.by
The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.
Crime No.109 of 2023.

... Respondent/Complainant

For Petitioner : M/s.IYYAPPARAJ.C.,
Advocate.

For Respondent : Mr.M.SAKTHI KUMAR,
Government Advocate (Crl.Side)

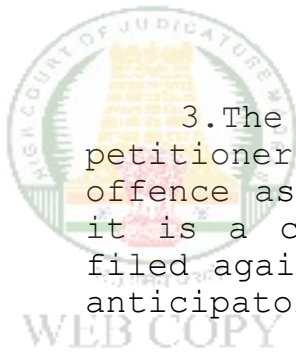
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.109 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b), 323 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.109 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the councilors of Shenkottai Municipality and the defacto complainant is the President of the above said Municipality. On 10.05.2023, a meeting was conducted. In that meeting, quarrel arose between the petitioners and the defacto complainant. The petitioners said to have abused and threatened the defacto complainant with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case and case in counter. Already counter case has been filed against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter. No one has sustained injury in the said occurrence.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter and no one has sustained injury in the said occurrence, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Shenkottai, Tenkasi District, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only), common surety** 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 twice in a week i.e., on every Sunday and Tuesday at 10.30 am., for a period of three months 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 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;



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(f)if the accused / petitioners thereafter absconds, sh
FIR can be registered under Section 229-A IPC.

sd/-
17/05/2023

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24/05/2023

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

DSS

TO

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

+1 cc to Mr.IYYAPPARAJ.C., Advocate, SR.No.7907 Dt.29/05/2023

ORDER

IN

CRL OP(MD) No.8872 of 2023
Date :17/05/2023

SA/BUC/SAR. /24.05.2023/3P/6C