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CRL OP(MD).



23

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.8888 of 2023

1. Mohan Kumar,

2. Chokkammal,

... Petitioners/Accused Nos.1&2

Vs

State Rep.by  
The Inspector of Police,  
Kariyapatti Police Station,  
Virudhunagar District.  
Crime No.108 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Suresh Kannan C,  
Advocate.

For Respondent : Mr.M.Sakthi Kumar,  
Government Advocate (Crl.Side)

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

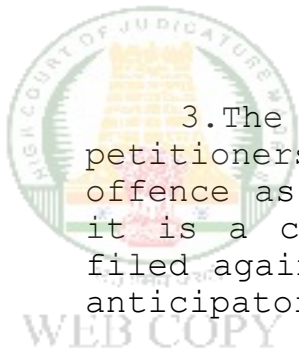
PRAYER :-

For Anticipatory Bail in Crime No.108 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 294(b), 323 and 506(i) of IPC and Section 4 of TNWH Act, in Crime No.108 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the first petitioner and the defacto complainant, the petitioners said to have abused the defacto complainant with filthy language. 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. Counter case has been registered in Crime No.109 of 2023.

5.Considering the facts and circumstances of the case and also considering the fact that it is a case and case in counter and counter case has been registered against the defacto complainant, 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 No.II, Virudhunagar District, on condition that the petitioners 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 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 two 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;



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

sd/-

17/05/2023

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23/05/2023

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

DSS  
TO

- 1 THE JUDICIAL MAGISTRATE NO.II  
VIRUDHUNAGAR DISTRICT.
  - 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR
  - 3 THE INSPECTOR OF POLICE  
KARIYAPATTI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.C.SURESH KANNAN, Advocate ( SR-7503[I] dated 18/05/2023

ORDER  
IN  
CRL OP(MD) No.8888 of 2023  
Date :17/05/2023

PKP/CG/SAR- /23.05.2023/ **3P/6C**