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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.8880 of 2023

1.Chandra
2.Karthik
3.Baskar

... Petitioner/Accused No.2 to 4

Vs

State rep., by
The Inspector of Police,
Somarasampet Police Station,
Trichy District.
(In Crime No.141 of 2023)

... Respondent/Complainant

For Petitioners : Mr.A.Saravanan, Advocate
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.141 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

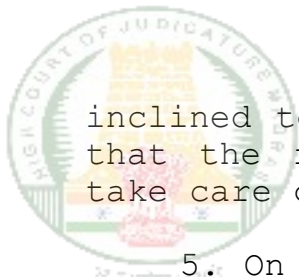
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 427 and 506(ii) of IPC, in Crime No.141 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, the accused persons damaged the defacto complainant's house. When the same was questioned by her, they abused her using filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the first petitioner is the daughter of the defacto complainant and she is ready and willing to take care of her mother.

4. Considering the facts and circumstances of the case and also the undertaking given by the first petitioner, this Court is

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



inclined to grant anticipatory bail to the petitioners on condition that the first petitioner shall file an undertaking affidavit to take care of her mother before the trial Court.

5. On such filing of undertaking affidavit, 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.V, Trichy, 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 first petitioner shall report before the respondent police as and when required for interrogation. The petitioners 2 and 3 shall report before the respondent police daily at 10.30 am., 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 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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/05/2023

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

rmk

To

1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.



3 THE INSPECTOR OF POLICE, SOMARASAMPET POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.A.SARAVANAN, Advocate (SR-7506[I] dated 18/05/2023)

ORDER

IN

CRL OP(MD) No.8880 of 2023

Date :17/05/2023

RS/VR/SAR-3(18.05.2023) 3P 6C