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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.9060 of 2023

Mohamed Bhahath

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District.
Crime No.73/2023.

... Respondent/Complainant

For Petitioner : M/s.Veerakumar.T, 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.73 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.73 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are the husband and wife. The petitioner had entered into wordy quarrel with the defacto complainant and assaulted her. Thereafter, on 07.05.2023, the petitioner came to the defacto complainant's house and assaulted her by using stone and taken the female child with him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and also considering the fact that it is a family dispute between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahila Court, Ramanathapuram District, 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 learned 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 twice in a week i.e., on every Sunday and Tuesday at 10.30 am., for a period of eight weeks and thereafter, as and when required for interrogation and the petitioner shall not disturb the defacto complainant.

(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 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/05/2023

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/03/2023

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

ssb



TO

1 THE JUDGE, MAHILA COURT, RAMANATHAPURAM DISTRICT.

2 THE INSPECTOR OF POLICE, KEELAKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-7515[I] dated 18/05/2023)

ORDER

IN

CRL OP(MD) No.9060 of 2023

Date :18/05/2023

RS//SAR-(25.05.2023) 3P 5C