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CRL OP(MD).



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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.8950 of 2023

1. Mohan

2. Jegan @ Jegatheesan

3. Thangaraj

... Petitioners/Accused No.1to3

Vs

The State rep.by,
The Inspector of Police,
Ethamozhi Police Station,
Kanyakumari District.
In Crime No.26 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Jegadeesh Pandian.M,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.26 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 341, 294(b), 323, 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.26 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had objected for the presence of the defacto complainant inside Sri Venkateswara Temple. Hence, there was a dispute between the defacto

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complainant and the petitioners. While so, on 28.08.2018, the accused persons attacked the defacto complainant by using stick and abused him. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that it is a case in counter case.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the the investigation is almost completed and it is a case in counter. He further submitted that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and 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 Additional Mahila Court, Nagercoil, Kanyakumari District, 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 petitioners shall report before the respondent police as and when required;

(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.

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

ssb

TO

1.THE JUDGE,
ADDITIONAL MAHILA COURT, NAGERCOIL,
KANYAKUMARI DISTRICT.

2.THE INSPECTOR OF POLICE,
ETHAMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-7770[I] dated
22/05/2023)

ORDER
IN
CRL OP(MD) No.8950 of 2023
Date :18/05/2023

RK/SAR-(25/05/2023) 3P/5C