



WEB COPY

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.9124 of 2023

1. R.Kathiresan

2. K.Anushiya

... Petitioners/Accused

Vs

State Rep.by

The Inspector of Police,
Samayanallur Police Station,
Madurai District.

(Crime No.Not Known of 2023).

... Respondent/Complainant

For Petitioners : Mr.P.Krishnasamy, Advocate

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Unknown Crime Number of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 420, 465, 467 of I.P.C., in Crime No.Not Known of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to the construction work, a wordy quarrel arose between the parties and thereby, the petitioners abused and threatened the de-facto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.

4. The learned Government Advocate (Cri.Side) appearing for the respondent would submit that investigation is pending.



5. Heard. Perused the materials available on record the First Information Report.

6. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif Cum Judicial Magistrate, Vadipatti, Madurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent Police, every Wednesday at 10.30 a.m., for a period of twelve weeks and thereafter, as and when required. The second respondent shall report before the respondent police as and when required. Further the petitioners are directed to co-operate with the respondent police for investigation.

[c] the petitioners shall not tamper with 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/05/2023

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/05/2023

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

SBN

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



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, VADIPATTI,
MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9124 of 2023

Date :18/05/2023

RS/CG/SAR-(31.05.2023) 3P 5C