



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/05/2023

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PRESENT

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

CRL OP(MD) . No.9037 of 2023

1. Ranjith

2. Kanagalakshmi ... Petitioners/Accused No.1 & 2

Vs

The State represented by
The Inspector of Police,
Puliyampatty Police Station,
Thoothukudi District.
Crime No.22 of 2023..

... Respondent/Complainant

For Petitioners : M/s.Prabu M,
Advocate.

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

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

PRAYER :-

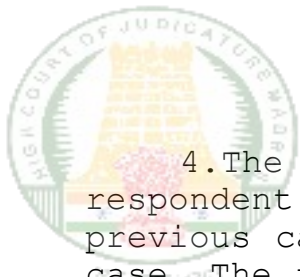
For Anticipatory Bail in Crime No.22 of 2023 on the file of the Respondent Police.

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), 324 and 506(ii) of IPC and Section 4 of TNPWH Act, in Crime No.22 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the petitioners and the defacto complainant, due to which, the petitioners attacked the defacto complainant with wooden stick and threatened her with dire consequences. 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 first petitioner is having 10 previous cases and the second petitioner is not having any previous case.The investigation is yet to be completed.

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5.Considering the fact that the first petitioner is having ten previous cases, this Court is not inclined to grant anticipatory bail to him. However, considering the facts and circumstances and also the nature of offence alleged, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Ottapidaram, on condition that the second 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 second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the second petitioner shall report before respondent police as and when required for interrogation.

[c]the second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the second 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 second petitioner, in accordance with law, as if the conditions have been imposed and the second 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].

[f]if the accused / second petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. In the result, the criminal original petition is partly allowed.

sd/-

18/05/2023

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/05/2023

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



TO

1 JUDICIAL MAGISTRATE
OTTAPIDARAM

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2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
PULIYAMPATTY POLICE STATION, THOOTHUKUDI DISTRICT.

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

+ 1 CC TO M/s.Prabu M, ADVOCATE IN SR No. 7698 DT 19/05/2023

ORDER

IN

CRL OP(MD) No.9037 of 2023

Date :18/05/2023

SS/24/05/2023/3P/6C