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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.9254 of 2023

Suresh P S Shajin @ Suresh Preman Stella Shajin

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Kollencode Police Station,
Kanyakumari District.
Crime No. 53 of 2023.

... Respondent/Complainant

For Petitioner : M/s. Anto Prince.G,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.53 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 341, 294(b), 323 and 506(i) of IPC, in Crime No.53 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the husband of the defacto complainant. Due to matrimonial dispute, the petitioner along with other accused said to have attacked the defacto complainant and also abused her in filthy language and threatened him with dire consequences. 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. He would further submit that this is the second anticipatory bail application. Earlier application filed



by the petitioner and the other accused was dismissed by this Court as against the petitioner is concerned. He would further submit that defacto complainant was only treated as out patient. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that it is a family dispute between the husband and wife.

5.Considering the facts and circumstances of the case and also considering the facts that it is a family dispute between the husband and wife, 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 The Judicial Magistrate No.II, Kuzhithurai, Kanyakumari, 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 once in a week i.e., on every Tuesday at 10.30 am., for a period of two months and thereafter, as and when required for interrogation.

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

dss
TO



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

3 THE INSPECTOR OF POLICE
KOLLENCODE POLICE STATION, KANYAKUMARI DISTRICT.

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

+1 CC to M/s.ANTO PRINCE.G, Advocate (SR-7746[I] dated 19/05/2023)

ORDER

IN

CRL OP (MD) No.9254 of 2023

Date :18/05/2023

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