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CRL OP(MD).

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/05/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9417 of 2023

1. P.Basheer Ahamed
2. K.Sait
3. K.Akaber
4. K.P.John
5. Samsath
6. Anarkali
7. Parisath

... Petitioners/
Accused Nos.1 to 7

Vs

The State rep.by,
The Inspector of Police,
Sholavandan Police Station,
Vadipatti Taluk, Madurai District.
Crime No.113 of 2023..

... Respondent/Complainant

For Petitioners : M/s.Gokul Raj.S,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.113 of 2023 on the file of
the Respondent Police.



ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 427, 452, 294(b), 323, 506(ii) of IPC and Section 4 of Woman Harassment Act, in Crime No.113 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are having civil dispute. Due to previous enmity, the petitioners and the other accused entered into the defacto complainant's house and assaulted and caused injuries to her. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured was already discharged from the hospital and that the first and fourth petitioners are having one previous case and the other petitioners are not having any previous case.

5. Taking into consideration the facts and circumstances of the case and also the facts that the injured was already discharged from the hospital and that except 506(ii) of I.P.C all other sections are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned 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 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the concerned Judicial Magistrate, daily at 10.30 a.m., for a period of 15 days and thereafter, as and when required for interrogation.

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



[d]the petitioners shall not abscond either 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 are 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 229-A IPC.

sd/-

24/05/2023

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/05/2023

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

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TO

1.THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION,
VADIPATTI TALUK,MADURAI DISTRICT.

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

+2. CC to M/S.GOKUL RAJ.S Advocate SR.No.7852

ORDER

IN

CRL OP(MD) No.9417 of 2023

Date :24/05/2023

RK/MMS/SAR-3 (29/05/2023) 3P/7C