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CRL OP(MD).



23

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.9438 of 2023

1.Suresh @ Suresh Kumar

2.Boologaraj

... Petitioners/Accused Nos.A1 & A2

Vs

State Rep.by

The Inspector of Police,

Aruppukkottai Taluk Police Station,

Virudhunagar District.

(FIR No.91/2023).

... Respondent/Complainant

For Petitioners : Mr.Murugappan.R, Advocate.

For Respondent : Mr.R.Suresh Kumar

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.91 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused 1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 323 and 506(i) IPC, in Crime No.91 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the informant who is a father of a Church, taking religious class to minor girls at their village, the petitioners who are belonging to a political party objected the informant's religious class to the minor girls, abused him by using filthy language, assaulted and criminally intimidated him. 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. Further, he submit that it is a case and counter case.



4. The learned Government Advocate (Criminal Side) for the respondent police would submit that the injured suffered from simple injury, he has already been discharged from the hospital. Further, he submitted that there is no previous cases registered against the petitioners and it is a case and counter case.

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5. Taking into consideration the facts and circumstances of the case and also the fact that the injured has already been discharged from the hospital and there is no previous cases registered against the petitioners, 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, Aruppukkottai, Virudhunagar 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 respondent police daily at 10.30 a.m., for a period of 30 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 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 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/-

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/05/2023

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

INDU



TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKKOTTAI, VIRUDHUNGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE, ARUPPUKKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.9438 of 2023

Date :24/05/2023

RS/MMS/SAR-2 (29.05.2023) 3P 5C