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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.9477 of 2023

1. A.Pitchai

2. P.Thangathai

3. J.Muneeshwari

... petitioners/Accused 1,2,3

Vs.

The State rep.by,
The Inspector of Police,
M.Kallupatty Police Station,
Madurai District.
Cr.No.46/2023.

... Respondent/Complainant

For petitioners : M/s.Mohamed Ayyadurai.N,
Advocate.

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

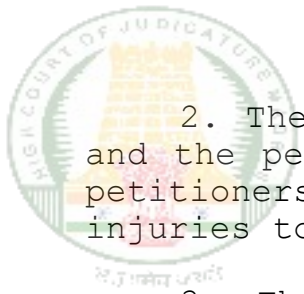
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No. 46/2023 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
452, 294(b), 324, 342, 323 of I.P.C. and Section 4 of Tamil Nadu
Prohibition of Harassment of Woman Act, in Crime No.46 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 relatives. Due to matrimonial dispute, the petitioners assaulted the defacto complainant with knife and caused injuries to her. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners is 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 petitioners and the defacto complainant are relatives and that the injured was discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also the facts that the injured was discharged from the hospital, 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 No.II, Usilampatty, 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 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 is 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 FII registered under Section 229-A IPC.

sd/-
24/05/2023

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

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TO

- 1.THE JUDICIAL MAGISTRATE NO.II, USILAMPATTY, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
M.KALLUPATTY POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MOHAMED AYYADURAI.N Advocate SR.No.7800

ORDER
IN
CRL OP(MD) No.9477 of 2023
Date :24/05/2023

RK/CG/SAR-1 (29/05/2023) 3P/6C