



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

Date : 09/06/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.10004 of 2023

1. Gobalakrishnan
2. Vijayalakshmi
3. Murugan
4. Shanmugavalli

... Petitioners/Accused

Vs

State rep. by
The Inspector of Police,
SS Colony Police Station
Madurai District.
Crime No.726 of 2023.

... Respondent/Complainant

For Petitioners : M/s.D.Packiaraj,
Advocate.

For Intervenor : M/s.V.S.Kishok Kumar
Advocate

For Respondent : Mr.B,Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.726 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 294 (b), 323, 324, 506(ii) of IPC in Crime No. 726 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners family borrowed money for interest from the defacto complainant and when the same was demanded the petitioners herein abused the defacto complainant in filthy language, assaulted him and also threatened with dire consequences, hence the case.



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the first petitioner had borrowed a sum of Rs.5 lakhs from the defacto complainant and when it was demanded she was brutally attacked by the petitioners and as such she sustained injuries. Now the first petitioner is ready and willing to return the amount to the defacto complainant along with interest by way of demand draft. Taking into consideration all the above the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. 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 on which the order copy made ready, before the learned judicial Magistrate No.V, Madurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners shall pay a sum of Rs.5,00,000/- along with interest by way of demand draft directly to the defacto complainant and on production of proof/acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioners.

[b] 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 Aadhar card or Bank Pass Book to ensure their identity.

[c] the first petitioner alone shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 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].



CRL OP(MD).N



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[g] If the accused thereafter absconds, a fresh FI registered under Section 229A IPC.

sd/-
09/06/2023

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

AAV

TO

1. The Judicial Magistrate No.V, Madurai.
2. Do through the Chief Judicial Magistrate,
Madurai.
3. The Inspector of Police,
SS Colony Police Station
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.HARI HARA SUDHAN, Advocate (SR-8579[I] dated
13/06/2023)

ORDER
IN
CRL OP(MD) No.10004 of 2023
Date : 09/06/2023

NA/BUC/SAR- /13.06.2023/3P/6C