



WEB COPY

CRL OP(MD)N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.06.2023

PRESENT

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

CRL OP(MD)No.10101 of 2023

1.K.Karuthakannan

2.K.Jothi

3.K.Senthilrajan

... Petitioners/ Accused No.1 to 3

Vs

The State rep by
The Inspector of Police,
Thirunagar Police Station,
Madurai City.
(Crime No.344 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.B.Karuppasamy

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.344 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC r/w Section 4 of the Tamilnadu Prohibition of Women Harassment Act in Crime No.344 of 2023, seek anticipatory bail.



2.The case of the prosecution is that there was civil case pending between the petitioners and the defacto complainant. Due to the same, the petitioners attacked the defacto complainant and also threatened him with dire consequences. Hence the case.

3.The learned Additional Public Prosecutor appearing for the respondent would submit that second and third petitioners were arrested.

4.In view of the above, this criminal original petition is dismissed as infructuous as against the second and third petitioners.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the first petitioner with certain conditions:

6.Accordingly, the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.6, Madurai**, on condition that the 1st 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 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 1st petitioner 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.

[b] the 1st petitioner 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;

[c] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/06/2023

(*)CORRECTED AS PER THE ORDER OF THE
HON'BLE COURT DATED 07/07/2023 IN CRL MP
(MD)Nos.9682 & 9684 of 2023 in CRL OP(MD)
No.10101 of 2023.

TIME IS ALSO EXTENDED FURTHER FOR A
PERIOD OF 15 DAYS, FROM THE DATE OF
RECEIPT OF COPY OF THIS ORDER.

/ TRUE COPY /

/07/2023

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

gns

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 09/06/2023 ALREADY DESPATCHED

1.The Judicial Magistrate No.6,
Madurai District.

2.The Judicial Magistrate,
Thirumangalam,
Madurai District.

3. -do-Through The Chief Judicial Magistrate,
Madurai District.

4.The Inspector of Police,
Thirunagar Police Station,
Madurai City.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.GANGAI AMARAN, Advocate (SR-8399[I] dated 09/06/2023
)

ORDER

IN

CRL OP(MD) No.10101 of 2023

Date :09/06/2023

RD/ SBN(20/06/2023) 3P 6C

SS/MMS/14/07/2023/3P 7C

<https://www.mhc.tn.gov.in/judis>