



WEB COPY

CRL OP(MD)N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.06.2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)No.10240 of 2023

1.M.Prabhakaran @ Capitan Prabhakaran

2.M.Kesavanraj @ Keshavan ... Petitioners/Accused No.1 & 2

Vs

State Rep.by

The Inspector of Police,
Veerapandi Police Station,
Theni District.

(Crime No.200 of 2023)

... Respondent/Complainant

For Petitioners : Mr.K.Srinivasaragavan, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.200 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 offence punishable under Sections 294 (b), 324 and 506(ii)IPC, in Crime No.200 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and one Sasiprabha are husband and wife. The said Sasiprabha is defacto complainant's sister's daughter. There was some matrimonial dispute existed between them. Due to the same, the accused persons abused them in filthy language also attacked them. Hence, the complaint.

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

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the injured person has already



been discharged from the hospital and the petitioners are not appearing in any previous case.

5. Considering the above facts and circumstances and also the facts that the injured person has already been discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and that the petitioner is not having any previous cases, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Theni, Theni 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 learned 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 two weeks 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 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]**; and;

(f) if the accused / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/06/2023

/ TRUE COPY /

/06/2023

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

gns



TO

1 THE JUDICIAL MAGISTRATE, THENI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, VEERAPANDI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.K.SRINIVASARAGAVAN, Advocate (SR-8586[I] dated
13/06/2023)

ORDER

IN

CRL OP(MD) No.10240 of 2023

Date :13/06/2023

RS/CG/SAR-(20.06.2023) 3P 6C