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CRL OP(MD). N



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

Date : 14/03/2023

PRESENT

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

CRL OP(MD) . No.12738 of 2022

1. Belwin
2. Emili
3. Bercy
4. Paul Sundar Nayagam ... Petitioners/Accused 1 to 4

Vs

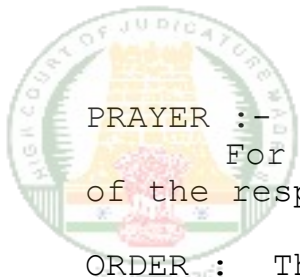
- 1.The State rep.by,
The Inspector of Police,
All Women Police Station,
Marthandam, Kanniyakumari District
(Crime No. 21 of 2021). ... Respondent/Complainant
 2. Soniya ...2nd respondent
...Petitioner/Intervener/
De-facto Complainant
in CRL MP(MD)No.8248 of 2022
- (R2 is Suo Motu Impleaded as Per
Order of this Court dated 15/07/2022
in Crl.O.P(MD) 12738/2022)

For Petitioners : M/s. Christopher.B,
Advocate.

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

For Intervener: Mr.Sreenivasan.M.R, Advocate

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



PRAYER :-

For Anticipatory Bail in Crime No. 21 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

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The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 498(a), 406, 294(b), 506(i) of IPC and section 3(1), 4, 6 of D.P.Act, 1961 in Crime No. 21 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. When the matter is taken up for hearing the learned counsel for the petitioners submitted that pending anticipatory bail the matter was referred to mediation and in the mediation the matter has been settled between the parties, in view of the same, this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

3. Accordingly, the 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.I, Kuzhithurai on condition that the 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 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 first 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 petitioners shall not tamper with 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].



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

sd/-

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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.I, KUZHITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARTHANDAM, KANNIYAKUMARI DISTRICT

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

+1. CC to M/S. CHRISTOPHER.B Advocate SR.No.14862(f)

+1 cc to M/S.M.R.SREENIVASAN, ADVOCATE SR NO.4298

ORDER

IN

CRL OP(MD) No.12738 of 2022

Date :14/03/2023

RK/MMS/SAR-4(20/03/2023) 6P/7C