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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2023

PRESENT

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

CRL OP(MD). No.10620 of 2023

1. P.Anbumuthuchamy
2. Shanthi
3. Periyamayagam

... Petitioners/Accused No.1 to 3

Vs

The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.
(Crime No.108 of 2023).

... Respondent/Complainant

For Petitioner : M/s.D.Rathinavel Pandian,
Advocate.

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

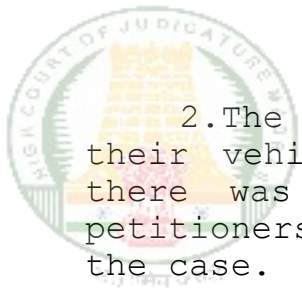
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.108 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), 447 and 506(i) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.108 of 2023 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioner had their vehicle in the de-facto complainant's land, due to which, there was a wordy quarrel arose between them, in which, the petitioners assaulted the de-facto complainant with hands. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is submitted by the learned Additional Public Prosecutor that the first petitioner is having four previous cases and the second and third petitioners are having one previous.

5.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.Accordingly, the petitioner is 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 Court, Vadipatti, 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 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 petitioners 1 and 3 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; and the second petitioner shall report before the respondent police 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 Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SC .

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

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

SJI

TO

1. The Judicial Magistrate, Vadipatti.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.RATHINAVELPANDIAN, Advocate (SR-8774[I] dated
15/06/2023)

ORDER
IN
CRL OP(MD) No.10620 of 2023
Date :15/06/2023

DL/VS(30.06.2023)/ 3P/6C