



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

Date : 30.06.2023

PRESENT

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

CRL OP(MD). No.11998 of 2023

Prakash Vijay Kumar @ Vijay

... Petitioner/Accused No.3

Vs

The State represented by,
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli.
(In Crime No.117 of 2022).

... Respondent/Complainant

For Petitioner : Mr.K.P.Narayanakumar, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.117 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323 and 506(ii) of I.P.C in Crime No.117 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute, on 07.04.2022 at about 06.30 p.m, the petitioner along with other accused trespassed into the defacto complainant's office and abused, assaulted and threatened the defacto complainant with dire consequences. Hence, the complaint.

3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

<https://www.mca21.com>



4. Considering the facts and circumstances of the case and also considering the fact it is a matrimonial dispute, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Radhapuram, 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 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 petitioner in accordance with law as if the conditions have been imposed and the 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/-
30/06/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



PS
TO

1 THE JUDICIAL MAGISTRATE,
RADHAPURAM.

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2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION, TIRUNELVELI

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

ORDER

IN

CRL OP(MD) No.11998 of 2023

Date :30/06/2023

PKP/ /SAR- /08.07.2023/ **3P/5C**