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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14086 of 2023

K.Elangovan,

... Petitioner/ Accused No.2

Vs

The State rep. by its
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli,
Tirunelveli District.
(Crime No.465 of 2023).

... Respondent/ Complainant

For Petitioner : M/s.Muthukumar.S,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.465 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC and Section 4 of T.N.P.W Act, in Crime No.465 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner misbehaved with the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the departmental proceedings have been initiated against the defacto complainant. Therefore, the present complaint has been given against the petitioner by the defacto complainant. On that ground, this Court directs the learned Government Advocate (Crl. Side) to collect all the documents from the concerned department and also produce the same before this Court. He further submitted that on 13.07.2023, the defacto complainant along with her husband came to the office and threatened the petitioner. Therefore, the petitioner gave a complaint against the petitioner on the very same day. On 20.07.2023, the present complaint has been given

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



stating that the defacto complainant's husband was assaulted by the first accused, namely, Jebaraj, at the instance of the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent submits that no previous case is pending against the petitioner and also submitted that the petitioner misbehaved with the the defacto complainant.

5.Considering the facts and the circumstances of this case and also considering the antecedents of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, however, with stringent conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate No.V, Tirunelveli, and on his executing 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 learned Magistrate concerned; and the petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



7. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
10/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tta
TO

1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI,
TIRUNELVELI DISTRICT.

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

+2 CC to M/s.S.MUTHU KUMAR, Advocate (SR-12093[I] dated 10/08/2023)



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ORDER
IN
CRL OP(MD) No.14086 of 2023
Date :10/08/2023

SSA/VRS/08.09.2023/5P/7C

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