



CRL OP(MD). No.15614 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P.DHANABAL

CRL OP(MD). No.15614 of 2023

1. Nikilanandh,
2. Muruganandam,
3. Thamaraiselvi,

... Petitioners/ Accused 1 to 3

Vs

The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Crime No. 269 of 2023.

... Respondent/Complainant

For Petitioners : M/s KRISHNASAMY.P, Advocate.

For Respondent : Mr.S.RAVI, Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No. 269 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),323,324,506(ii) of IPC and Section 4 of TNPHW Act in Crime No.269 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioners abused the defacto complainant in filthy language, assaulted her and also threatened with dire consequences,hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are



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innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the injured has been discharged from the hospital and it is a case and case in counter, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that due to previous enmity the petitioners abused the defacto complainant in filthy language, assaulted her and also threatened with dire consequences. He would further submit that the injured has been discharged from the hospital, however he objected to grant anticipatory bail to the petitioners

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that injured has been discharged from the hospital and also considering the nature of offence and all other aspects and considering that except section 506(ii) of IPC and Section 4 of TNPHW Act all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners , subject to the following conditions:

7. Accordingly, the petitioners are 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, Paramakudi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police on every Sunday at 10.00 A.M. for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

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

sd/-
29/08/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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AAV

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,

PARAMAKUDI TOWN POLICE STATION, RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.KRISHNASAMY, Advocate (SR-12920[I] dated 29/08/2023)

ORDER IN

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Date :29/08/2023

SA/JGB/SAR. /31.08.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.