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

Date : 01.09.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD)No.15972 of 2023

1.S.Satheesh

2.Jeyanthi

... Petitioners/1st and 2nd Accused

Vs

The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.349 of 2023)

... Respondent/Complainant

For Petitioners : Mr.E.Satheesh, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.349 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.349 of 2023 on the file of the respondent police, seek anticipatory bail.



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2.The case of the prosecution is that the petitioners and the defacto complainant are close relatives. Due to family dispute, the petitioners abused the defacto complainant in filthy language and also assaulted her. Hence the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the parties are family members and due to some dispute, the petitioners abused and assaulted the defacto complainant. The first petitioner is having one previous case and no previous case is pending as against the second petitioner. The injured person in this case has been discharged from the hospital.

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

6.Considering the rival submissions on either side and considering the fact that the parties are family members and also considering the fact that the injured person has already been discharged from the hospital, 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, Manamadurai, on



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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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days 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/-

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



TO
1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.E.SATHEESH, Advocate (SR-13128[I] dated 04/09/2023)

ORDER

IN

CRL OP(MD) No.15972 of 2023

Date :01/09/2023

SS/VR/12/09/2023/4P/6C

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