



CRL OP(MD). No.16689 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.16689 of 2023

1. Mahesh Raja,

2. Pavunthaai,

... Petitioners/ Accused Nos. 1 & 2

Vs

**State Rep.by
The Sub Inspector of Police,
Rural Police Station,
Virudhunagar District.
(Crime No.161 of 2023).**

... Respondent/Complainant

For Petitioners : M/s.Prabhu.L, Advocate.

**For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No.161 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



CRL OP(MD). No.16689 of 2023

WEB COPY

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b),324,506(i) of IPC r/w.4 of TNPHW ACt in Crime No.161 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel the petitioners abused the defacto complainant, assaulted the defacto complainant and her mother and also caused criminal intimidation. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Therefore, he prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners abused the defacto complainant, assaulted the defacto complainant and her mother and also caused criminal intimidation, hence he objected to grant anticipatory bail to the petitioners. However he fairly concedes that

no previous case is pending against the petitioners.

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



CRL OP(MD). No.16689 of 2023

5. Considering the facts and circumstances of the case and also the fact that no previous case is pending against the petitioners and also the fact that it is a dispute between the family members this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. 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 No.II, Virudhunagar 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 shall appear before the trial Court on summons



CRL OP(MD). No.16689 of 2023

WEB COPY

[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 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/-
09/10/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO
1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.



CRL OP(MD). No.16689 of 2023

- 2 DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
RURAL POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.L.PRABHU, Advocate (SR-14851[I] dated 09/10/2023)

ORDER
IN

CRL OP(MD) No.16689 of 2023
Date :09/10/2023

PKP/DD/SAR- /13.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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