



CRL OP(MD). No.17481 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17481 of 2023

M. Dhayalan,

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
Crime No. 61 of 2023.

... Respondent/ Complainant

For Petitioner : M/s M.S.Jeyakarthik, 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. 61 of 2023 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 and Section 67(B) of the Information Technology Act, 2000 in Crime No.61 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused said to have threatened the defacto complainant stating that he would mis-represent her photos and videos and spread in the social media and public place and he has also threatened that if she did not withdraw the sexual assault case, he will give a false complaint. Hence the case.

3.The learned counsel for the petitioner would contend that it is a second anticipatory bail petition and the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that it is a second anticipatory bail and the earlier and petition filed by the petitioner was dismissed by this Court and he would further submit that the investigation of the case is pending and hence he objected to grant anticipatory bail to the petitioner.



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

6. Considering the rival submissions on either side and considering the offences charged against the petitioner and also considering the fact that the after dismissal of the earlier petition in Crl.O.P(MD).No.4231 of 2023, on 10.03.2023, no steps has been taken by the respondent police to secure the accused for more than six months, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Periyakulam 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the concerned Magistrate once in a month i.e., on first working day of every English Calender month at 10.30 until further orders.

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

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



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[d] 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].

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

sd/-
29/09/2023

/ TRUE COPY /

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

TRP
TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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- 3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.P.VIJAYAKUMAR, Advocate (SR-14423[I] dated 29/09/2023)

ORDER
IN
CRL OP(MD) No.17481 of 2023
Date :29/09/2023

PKP/DD/SAR- /04.10.2023/ 5P/6C

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