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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: 04.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL.O.P.(MD).No.17635 of 2023

1.Ganesan
2.Sivakami
3.Nirmaladevi
4.Vijayakumar

... Petitioners/ Accused No.2 to 5

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
(In Crime No.29/2023)

... Respondent/Complainant

For Petitioners : Mr.A.Arputharaj, Advocate

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.29 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioners/ A2 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 376 and 506(i) in Crime No.29 of 2023, seek anticipatory bail.

2.The case of the prosecution is that under the guise of marrying the de-facto complainant, the first accused has committed forcible intercourse with the de-facto complainant and thereafter, refused marry her. While questioning the same, the accused persons have abused and attacked the de-facto complainant. Hence, the case.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent police.

4.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5.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

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the order copy made ready, before the learned District Munsif cum Judicial Magistrate No.I, Usilampatti, Madurai District, 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 issuance of summons;

[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

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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/-
04/10/2023

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

cmr

TO

1.The District Munsif cum Judicial Magistrate No.I,
Usilampatti, Madurai District.

2. Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-14603[I] dated 04/10/2023)

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ORDER
IN
CRL OP(MD) No.17635 of 2023
Date :04/10/2023

SSA/DD/10.10.2023/5P/6C

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