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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: 06.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL.O.P.(MD).No.17785 of 2023

1.N.Santhanamary Nicolas

2.A.Nirmala

3.Theresa

4.Arul Prema

(wrongly mentioned as Prema)

... Petitioners/ Accused Nos. 2 to 5

Vs

The State rep. by

The Inspector of Police,

All Women Police Station,

Aranthangi,

Pudukottai District.

(crime No.5/2023)

... Respondent/ Complainant

For Petitioners : Mr.V.Sukumar, Advocate

For Respondent : Ms.M.Aasha

Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioners/ A2 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 323 and 406 IPC in Crime No.5 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the accused persons have abused the de-facto complainant in filthy language and also attacked her with dire consequences. Hence, the case.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given. He would also submit that the petitioners have not committed any offence, as alleged by the prosecution. Hence, he would pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that due to family dispute, the accused persons have abused the de-facto complainant in filthy language and also attacked her. She would strongly oppose to grant anticipatory bail to the petitioners.



5. Considering the facts and circumstances of the case and also considering the fact that the dispute is purely a family dispute and the parties are close relatives, 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, Arathangi, 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.

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[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/-
06/10/2023

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

cmr



TO

1 The Judicial Magistrate, Arathangi.

2 Do through the Chief Judicial Magistrate,
Pudukottai District.

3 The Inspector of Police,
All Women Police Station,
Aranthangi, Pudukottai District.

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

+1 CC to M/s.V.SUKUMAR, Advocate (SR-14759[I] dated 06/10/2023)

ORDER
IN

CRL OP(MD) No.17785 of 2023

Date :06/10/2023

SSA/VRS/13.10.2023/5P/6C

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