



CRL OP(MD). No.17780 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17780 of 2023

1. C.Kaviraja @ Kavirajan

2. C.Mahesh

... Petitioners/ Accused Rank Nos.1 to 2

Vs

The State rep.by,
The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
Cr.No.301/2023.

... Respondent/ Complainant

For Petitioner : M/s.Dhilipan Pandian R.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. 301/2023 on the file of the Respondent police.

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



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ORDER : The Court made the following order :-

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The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b), 506(ii) and 379 IPC in Crime No.301 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 12.07.2023, due to previous enmity, the petitioners trespassed into the house of the defacto complainant and taken away the Mobile phones and Key of the Lorries belonging to the defacto complainant and they have also threatened her with dire consequences. Hence, the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners were enquired by the police and they gave a statement that the Lorry belongs to the Maharajan was handed over by them after the death of the Maharajan's wife.



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5. Considering the nature of allegations made against the petitioners and the statement given by the petitioners before the respondent police, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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.III, Thirunelveli, Thirunelveli 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 learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police on receipt of summons.



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[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 petitioner 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/-
05/10/2023

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

trp



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TO
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1. THE JUDICIAL MAGISTRATE NO.III,
THIRUNELVELI, THIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17780 of 2023
Date :05/10/2023

RK/DD (16/10/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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