



CRL OP(MD)No.17797 of 2023

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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

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Kavitha

... Petitioner/ Accused No.2

Vs

The State represented by
The Inspector of Police,
M.Reddiyapatti Police Station,
Virudhunagar District.
(Crime No.84/2023)

... Respondent/Complainant

For Petitioner : Mr.B.Muneeswaran, Advocate

For Respondent : Ms.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.84 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police



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for the offences punishable under Sections 147, 148, 294(b), 323, 354, 427 and 506 (ii)

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IPC r/w Section 4 of TNPHW Act in Crime No.84 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to money dispute between the parties, the accused persons have abused the de-facto complainant in filthy language and also attacked the de-facto complainant and her relative and criminally intimidated him. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner has not committed any offence, as alleged by the prosecution and she was falsely implicated in this case. Hence, he would pray for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that due to money dispute between the parties, the accused persons have abused the de-facto complainant in filthy language and also attacked the de-facto complainant and her relative. He would also submit that the accused has no previous case and it is a case



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and case in counter. He would strongly oppose to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Aruppukottai, Virudhunagar District 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 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 petitioner 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.



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[b] the petitioner shall appear before the Trial Court on issuance of summons.

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

[d] the petitioner 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 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].

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

sd/-
06/10/2023

/ TRUE COPY /

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

CMR



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TO
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- 1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
M.REDDIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.MUNEESWARAN, Advocate (SR-14830[I] dated 09/10/2023)

ORDER
IN

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Date :06/10/2023

SS/VRS/11/10/2023/5P/6C

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