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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.17850 of 2023

1.M.Gopi
2.Rajammal
3.S.Muthupandi

... Petitioners/ Accused No.1 to 3

Vs

State rep. by
The Inspector of Police,
Devathanapatty Police Station,
Theni District.
(Crime No.375 of 2023)

... Respondent/ Complainant

For Petitioners :Mr.S.Murugapandi, Advocate

For Respondent :Mr.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.375 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent



police for the offences punishable under Sections 294(b), 323 and 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.375 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 and criminally intimidated her. Hence, the case.

3.The learned Counsel for the petitioners would submit that the petitioners are innocence 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 Additional Public Prosecutor would submit that due to family dispute, the accused persons have abused the de-facto complainant in filthy language and also attacked her. He would also submit that the parties are close relates and known to each other. He 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 accused persons are known to de-facto complainant and close relatives, this

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



Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

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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, Periyakulam, Theni 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.

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[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, Periyakulam, Theni District.
2. Do through the Chief Judicial Magistrate,
Theni District.



3.The Inspector of Police,
Devathanapatty Police Station,
Theni District.

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

+1 CC to M/s.S,MURUGAPANDI, Advocate (SR-14806[I] dated 09/10/2023)

ORDER
IN
CRL OP(MD) No.17850 of 2023
Date :06/10/2023

SSA/DD/10.10.2023/5P/6C

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