



CRL OP(MD). No.19143 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31.10.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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Parvathi

... Petitioner/2nd Accused

Vs

The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
Crime No.123 of 2023

... Respondent/Complainant

For Petitioner : M/s.N.ADITHYA VIJAYALAYAN,
Advocate.

For Respondent : Mr.R.M.S.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.123/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 324 and 506(ii) of IPC and



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Section 4 of TNPHW Act in Crime No.123 of 2023 on the file of the respondent police,
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seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute between the parties, the petitioner along with A1 trespassed into the house of the de-facto complainant, abused her in filthy language and A1 beaten her brother with a stick and also beaten the de-facto complainant and her daughter. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the injured has been discharged from the hospital. Therefore, he prayed for anticipatory bail to the petitioner.

4.The Additional Public Prosecutor appearing for the respondent would submit that investigation in this case pending. However, he fairly concedes that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances and also taking into consideration the fact that the injured has been discharged from the hospital and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:



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

[b] the petitioner shall appear before the trial Court on receipt of summons;

[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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
31/10/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

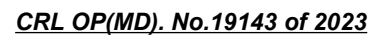
SJI
TO
1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-15737[I] dated 01/11/2023)



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