



CRL OP(MD). No.22345 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

(Criminal Jurisdiction)

Date : 23/01/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1.Malaigani @ Mohamed Kani,
S/o S/o.Panchandi @ Baseer,
No.5/32, Devendirar Nagar,
Periyar Colony, Mudukulathur,
Ramanathapuram District.

2.Selvakumar @ Sathak,
S/o.Pakkiyam @ Packiyam,
Periyar Colony,
Mudukulathur,
Ramanathapuram District.

3.Habiba @ Kabiba,
S/o.Umar,
No.1/63/1, Kelasikkal,
Sikkal Post, Kadaladi,
Ramanathapuram District.

Now all are residing at
Mathina Nagar, Sikkal and Post,
Kadaladi Taluk, Ramanathapuram.

... Petitioners/Accused No.
1 to 3

Vs

1.State, represented by
The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
District. Crime No. 37/2022.



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2.Saliya Banu

... Respondents/Complainants

For Petitioners : M/s.Arputharaj.A,

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.37 of 2022 on
the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused No.1
to 3 apprehending arrest at the hands of the 1st
respondent police for the offences punishable under
Sections 294(b), 323, 324 and 506(ii) of IPC, in
Crime No.37. Of 2022 seeks anticipatory bail.

2.Even though notice has been served upon the
second respondent / defacto complainant, he has not
chosen to present either in person or through
Advocate.

2/6



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3.The learned Government Advocate (Crl.Side) would submit that injured has been suffered for more than four months because of the assault made by the accused persons.

4. The learned counsel for the petitioners would submit that the defacto complainant was not taking regularly.

5. Whatever it may be the petitioners can try to settle the matter. In view of the above said non appearance of the defacto complainant, there is no possibility to refer the matter to the Mediation Centre.

6. Considering the above said issue and also considering the fact that the first respondent has not taken any steps to arrest the petitioners inspite of repeated dismissal of the earlier anticipatory bail applications, this Court is inclined to grant anticipatory bail to the petitioners with conditions.



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7. Accordingly, this Criminal Original Petition is allowed and petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Kadaladi, Ramanathapuram 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 the petitioners shall appear before the 1st respondent police once in a month i.e., at 10.30 a.m., on first working day of every English Calender month, until further orders and co-operate with them to complete the investigation process. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. If during the Course of investigation, if the custodial interrogation of the petitioners are required to extract any fact, then the 1st respondent is at liberty to approach the concerned Court for appropriate orders.



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8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

(G I J)
23.01.2023

Indu

Note: Issue order copy on 24.01.2023

TO

- 1.The learned Judicial Magistrate,
Kadaladi, Ramanathapuram District.
- 2.The Inspector of Police,
Sikkal Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G . ILANGO VAN , J

Indu

ORDER
IN
CRL OP (MD) No.22345 of 2022

Date : 23/01/2023