



CRL OP(MD). No.19354 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2023

PRESENT

The Hon'ble Mr.Justice R.SAKTHIVEL

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Magadevan

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Musiri Police Station,
Musiri, Trichy District.
Cr.No.401 of 2023

... Respondent/Complainant

For Petitioner : Mr.K.Anandha raj,Advocate
for Mr.K.Arunraj, Advocate

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.401 of 2023 on the file of the Respondent Police.



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WILSON P ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) of I.P.C r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.401 of 2023 on the file of the respondent police, seeks an order of pre-arrest bail.

2. The case of the prosecution is that on 11.10.2023, due to previous motive between the petitioner and the defacto complainant, the petitioner abused the defacto complainant and assaulted her. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are close relatives and neighbors. He further submitted that the petitioner has no previous case. Further, he submitted that partition suit is pending between the petitioner and the defacto complainant. Accordingly, he prayed to allow the petition.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the injured was admitted in the hospital on 10.10.2023 and discharged



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on 14.10.2023 and if bail is granted to the petitioner, he will cause threat the defacto complainant and other witnesses. Hence, the learned Government Advocate (Criminal Side) prayed for dismissal of the petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

6. Petitioner and the defacto complainant are close relatives and neighbors. It appears that there was a domestic quarrel happened between the petitioner and the defacto complainant. Considering the relationship between the parties, the nature of injury and considering the fact that the petitioner has permanent residence and hence, there is no possibility for absconding, this Court is inclined to grant pre-arrest bail to the petitioner, subject to the following conditions :

(i) Pre-arrest bail is granted to the petitioner.

(ii) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before learned Judicial Magistrate, Musiri, within 15 days from today, on his executing a bond for Rs.25,000 (Rupees Twenty Five Thousand Only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate, Musiri.



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(iii) The petitioner shall appear and sign before the respondent police daily at 10.00.am until further orders.

(iv) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proof to ensure their identity.

(v) The petitioner shall not tamper with the evidence or witness either during investigation or trial.

(vi) The petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation.

(vii) If the petitioner absconds, a fresh FIR shall be registered under Section 229A of IPC.

(viii) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners in accordance with law

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as if the aforementioned conditions are imposed by themselves as laid down by the
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Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283].

sd/-
26/10/2023

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

das

TO

1.THE JUDICIAL MAGISTRATE, MUSIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3.THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION, MUSIRI, TRICHY DISTRICT.

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-15628[I] dated 27/10/2023)

ORDER
IN
CRL OP(MD) No.19354 of 2023
Date :26/10/2023

RK/VRS (03/11/2023) 5P / 6C

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