



CRL OP(MD). No.19371 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26.10.2023

PRESENT

The Hon'ble Mr.Justice R.SAKTHIVEL

CRL OP(MD). No.19371 of 2023

Arul alias Arun Kumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thathaiyangarpet Police Station,
Trichy District.
(Crime No.213 of 2023)

... Respondent/Complainant

For Petitioner : Mr.C.Prabhu, Advocate

For Respondent : 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.213 of 2023 on the file of the Respondent Police.

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), 323 and 506(1) of



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I.P.C. in Crime No.213 of 2023 on the file of the respondent police, seeks pre-arrest bail.

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2. The case of the prosecution is that on 12.10.2023, at about 08.30 p.m., the petitioner abused the defacto complainant, her daughter and her parents. Hence, the defacto complainant filed a complaint. Based on the said complaint, the above said case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has permanent residence at Trichy District and therefore, there is no possibility for absconding. Hence, he seeks pre-arrest bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there was a wordy quarrel between the petitioner and defacto complainant. Petitioner attacked the defacto complainant by using his hands. He further submitted that the investigation is not yet completed. At this stage of incompleteness of investigation, if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and witnesses and thereby investigation may



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be delayed. Accordingly, the learned Government Advocate raised objection for granting pre-arrest bail.

5. Heard on both sides. This Court has perused the materials available on record.

6. Considering the nature of offence allegedly committed by the petitioner, considering the fact that except offence punishable under Section 506(i), all other offences are bailable in nature and also the fact that the petitioner has permanent residence and hence, there is no possibility for absconding, this Court is inclined to grant anticipatory 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 the Judicial Magistrate, Thuraiyur within 15 days from today, on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Thuraiyur.

(iii) The petitioner shall appear and sign before the respondent police weekly twice i.e., on Monday and Friday at 10 a.m., 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



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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 petitioner in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the 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.

mbi



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TO
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1.THE JUDICIAL MAGISTRATE, THURAIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

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

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

+1 CC to M/s.C.PRABHU, Advocate (SR-15604[I] dated 26/10/2023)

ORDER
IN

CRL OP(MD) No.19371 of 2023

Date :26/10/2023

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

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