



CRL OP(MD). No.19404 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

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1.Dr.S.Allaudin
2.K.Sikkandhar
3.K.Azarudhin
4.K.Akbardeen

... Petitioners/ A1 to A4

Vs

State through the Inspector of Police,
S.S.Colony Police Station,
Madurai District
(In Crime No.1546 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.A.Jayaramachandran, 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.1546 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 342, 294(b), 323, 506(i) of I.P.C and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 in Crime No.1546 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a Staff Nurse in Azarudheen Clinic at Madakulam, Madurai and the defacto complainant is managing the Pharmacy of the said clinic. On account of deficit of money in the Pharmacy account, the defacto complainant was wrongfully confined by the petitioners and the petitioners compelled the defacto complainant to return the amount. When the defacto complainant denied the misappropriation of amount, the petitioners abused her with filthy language and threatened her with dire consequences. Hence, the present complaint.

3. The learned counsel for the petitioners submitted that the first petitioner gave a complaint against the defacto complainant before S.S.Colony Police Station. A case in Crime No.1499 of 2023 has been registered against the defacto



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complainant under Section 381 of IPC. The learned counsel for the petitioners further submitted that the defacto complainant filed a petition in Crl.M.P.No.6088 of 2023 before the learned Principal District and Sessions Judge, Madurai for pre-arrest bail and after hearing both sides, the learned Principal District and Sessions Judge, Madurai, dismissed the said petition on 20.10.2023. The learned counsel also submitted that with a view to defeat and defraud the petitioners' money and with a view to revenge the petitioners, the defacto complainant lodged the present complaint against the petitioners. He further submitted that the petitioners are law abiding citizens and the petitioners have not committed any offence as alleged by the prosecution and the petitioners are ready to abide any conditions to be imposed by this Court. He prayed for grant of anticipatory bail.

4. Per contra, the learned Government Advocate (Crl. Side) submitted that the petitioners harassed the defacto complainant and hence, the defacto complainant lodged a complaint against the petitioners and investigation is not yet completed. He further submitted that at this stage, if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and witnesses and thereby investigation may be delayed. He prayed for dismissal of this petition.



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5. This Court has considered the submissions made on either side and perused the records.

6. The defacto complainant is an ex-employee of the first petitioner as Staff Nurse. According to the petitioners, the defacto complainant misappropriated money to the tune of Rs.3,46,000/- from the Pharmacy and hence, the petitioners filed a complaint against the defacto complainant and with a view to escape from the case, the defacto complainant lodged the present complaint falsely against the petitioners. Admittedly, there is no physical injury caused to the defacto complainant. The petitioners have permanent address and have deep roots in the society. Hence, there is no possibility for absconding. Further this Court is of the view that custodial interrogation of the petitioners may not be necessary in this case. Considering the nature of offence alleged against the petitioners, this Court is inclined to grant pre-arrest bail to the petitioners subject to conditions.

7. Accordingly, this Criminal Original Petition is allowed and pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the

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event of their surrender before the learned Judicial Magistrate No.V, Madurai District, within 15 days from today, on their executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only), each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai District concerned.

(ii)the petitioners shall appear and sign before the respondent Police weekly twice i.e on Monday and Friday at 10.00 a.m. until further orders.

(iii)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.

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

(v)The petitioners shall appear and co-operate with the Investigation Agency as and when required for investigation.



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(vi) If the petitioners abscond, a fresh FIR shall be registered under section 229A of IPC.

(vii) on breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioners 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.

cm

TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI DISTRICT



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

+1 CC to M/s.A.JAYARAMACHANDRAN, Advocate (SR-15655[I] dated
30/10/2023)

ORDER
IN
CRL OP(MD) No.19404 of 2023
Date :26/10/2023

RK/VRS(03/11/2023) 7P / 6C
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