



CRL OP(MD). No.19372 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.Maheswaran
2.Pannerselvam

... Petitioners/ A1 & A2

Vs.

The State Rep. by,
Inspector of Police,
S.S.Colony Police Station,
Madurai District
(In Crime No.1585 of 2023)

... Respondent/ Complainant

For Petitioners :Mr.P.Balasubramanian, 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.1585 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(ii) of IPC and Section 4



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of Tamil Nadu Prohibition of Harassment of women Act,1998 in Crime No.1585 of
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2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioners are vegetable vendors in the vegetable market having shop at Arasaradi, Madurai. On 24.10.2023, wordy quarrel happened between them. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and a false case has been foisted against the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the injured was treated as an out-patient and the petitioners have no previous case.

5. Considering the nature of offence alleged by the defacto complainant against the petitioners, considering the fact that the petitioners have no previous case, considering the fact that the victim was treated only as an out-patient, this Court is



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inclined to grant pre-arrest bail to the petitioners subject to conditions.

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6. 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 event of their surrender before the Judicial Magistrate No.V, Madurai, within 15 days from today, on their executing a bond for Rs.10,000/- (Rupees Ten Thousand only), each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.v, Madurai, concerned.

(ii)the petitioners shall appear and sign before the respondent Police weekly twice, i.e, on every 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.



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(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.

(vi)If the petitioners abscond, a fresh FIR shall be registered under section 299A of IPC.

(vii)on breach of any of the aforementioned conditions, the learned Judicial 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



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TO
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1. THE JUDICIAL MAGISTRATE NO.V, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19372 of 2023
Date :26/10/2023

RK/VRS (02/11/2023) 5P / 5C

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