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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.66 of 2024

SIVANESHAN ... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
SHANARPATTI POLICE STATION,
DINDIGUL DISTRICT.
IN CRIME NO.397/2023. ... RESPONDENT/COMPLAINANT

For Petitioner : Mr.B.JAMEELARASU,
Advocate

For Respondent : Mr.SS.MADHAVAN,
Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.397/2023 ON THE FILE OF THE RESPONDENT POLICE/
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(i) IPC in Crime No.397 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that due to matrimonial dispute, the petitioner has threatened the defacto complainant with dire consequences. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the defacto complainant is the wife of the petitioner and due to matrimonial dispute, a false case has been foisted against the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet completed.

5. Considering the facts and circumstances of the case and the fact that it is a matrimonial dispute between the petitioner and the defacto complainant, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to

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arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB
TO

1 THE JUDICIAL MAGISTRATE NO.III
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
SHANARPATTI POLICE STATION,
DINDIGUL DISTRICT.

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

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+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-249[I] dated 05/01/2024)

ORDER
IN
CRL OP(MD) No.66 of 2024
Date :04/01/2024

SA/VR/SAR. /10.01.2024/5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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