



CRL OP(MD) No.200 of 2024

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.200 of 2024

1 LAVANYA

2 NAGAJOTHI

3 BALAMURUGAN

... PETITIONER/ ACCUSED NO.1 TO 3

Vs

THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.209 OF 2022.

... RESPONDENT /COMPLAINANT

For Petitioners : MR.S.RAMESH KUMAR 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.209 OF 2022 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324 and 506(i) of IPC in Cr.No.209 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the de-facto complainant are husband and wife and the other petitioners are in-laws of the de-facto complainant. On 29.07.2022, there was a matrimonial dispute between the husband and wife, in which, the petitioners attacked the de-facto complainant with weapon. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the de-facto complainant had illegal affair with other ladies and when the same was questioned by them, the de-facto complainant made a false complaint against the petitioners. He further submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Government Advocate (Crl. side) submitted that investigation is pending. However, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact it appears to be a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kodaikanal, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners 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

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stand automatically cancelled;

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(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 petitioners shall report before the respondent police as and when required for interrogation;

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2024

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/01/2024

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

sjj

TO

1.THE JUDICIAL MAGISTRATE NO.II, KODAIKANAL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

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

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

+1 CC to M/s.S.RAMESH KUMAR, Advocate (SR-427[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.200 of 2024
Date :08/01/2024

RK/VR (11/01/2024) 5P / 6C

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