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

Monday, the Eighteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4237 of 2024

1 IBRAHIM

2 SHAJITHA BANU ... PETITIONERS / ACCUSED(RANK NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
GOVERNMENT HOSPITAL POLICE STATION,
GOVERNMENT HOSPITAL,
TRICHY.
CR.NO.164/2024 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SAKTHIVEL.R, Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:
FOR ANTICIPATORY BAIL IN CRIME NO. 164/2024 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the

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respondent police for the alleged offence under Sections 294(b) and 343 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.164 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners attacked the defacto complainant and threatened her with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that due to previous enmity, the above said occurrence had taken place. The injured was already discharged from the hospital. However, considering the nature of allegations, he vehemently opposed the grant anticipatory bail to the petitioners.

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5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital, 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 Additional Mahila Court, Trichy, 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 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;

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(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;

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

sd/-
18/03/2024

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/03/2024

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

SJI
TO

1 THE ADDITIONAL MAHILA JUDGE,
TRICHY.

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2 THE INSPECTOR OF POLICE
GOVERNMENT HOSPITAL POLICE STATION,
GOVERNMENT HOSPITAL, TRICHY.

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

+1 CC to M/s.R.SAKTHIVEL, Advocate (SR-3361[I] dated 19/03/2024)

ORDER
IN
CRL OP(MD) No.4237 of 2024
Date :18/03/2024

SS/JGB/SAR- /22/03/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023