



CRL OP(MD). No.7868 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CRL OP(MD). No.7868 of 2024

1. Ajithkumar,
2. Abiesh,
3. Balakrishnan

... Petitioners/ Accused 1 to 3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Avudaiyarkovil, Pudukottai District.
Crime No. 352 of 2021.

... Respondent/ Complainant

For Petitioners : Mr.S.MANOJ KUMAR, Advocate

For Respondent : Mrs.M.AASHA,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 352 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused 1 to 3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 506(1) IPC, in Crime No.352 of 2021, on the file of the respondent police, seek anticipatory bail.



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2.The case of the prosecution is that on 09.08.2021, at 9.00 a.m, when the defacto-complainant alongwith her son went to her father's home at Nanakkudi, the accused persons 1 to 3/petitioners abused the defacto-complainant with filthy language and attacked the defacto-complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured has been discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, 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 Special Judicial Magistrate, Aranthangi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two common sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:



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[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]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 are 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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/05/2024

/ TRUE COPY /

/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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APD/MRN

TO

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1 THE SPECIAL JUDICIAL MAGISTRATE,
ARANTHANGI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE,
AVUDAIYARKOVIL, PUDUKOTTAI DISTRICT.

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

ORDER IN
CRL OP(MD) No.7868 of 2024
Date :29/05/2024

SA/VR/SAR. /04.06.2024/4P/5C

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