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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/06/2024
PRESENT
The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.9193 of 2024

1. E.R.Sabareesan,
2. E.R.Rahulson,
3. A.Radhika, ... Petitioners/Accused 1 to 3

Vs

The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
(*)Cr.No.195/2024. ... Respondent/Complainant

For Petitioners : Mr.V.Angusamy, Advocate.
For Respondent : Mr.M.Sakthikumar, Government Advocate (Crl.Side)

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

PRAYER :-
For Anticipatory Bail in (*)Crime No.195 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police in connection with the case in (*)Crime No.195 of 2024 for the offence under Sections 294(b), 323, 427 and 506(ii) I.P.C. r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, have filed this petition, seeking anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is a

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practicing Advocate, noticed some posts with the picture of the first petitioner and one Sara from her Instagram account that the said Sara, was cheated by the first petitioner and the same was informed to the grandfather of the first petitioner. Due to that motive, the petitioners have abused the defacto complainant and assaulted the defacto complainant and his father and the spectacles of the father of the defacto complainant was damaged.

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

4. The learned Government Advocate (Crl. Side) appearing for the respondent submits that the investigation is yet to be completed. However, he fairly submits that the petitioners are not having any previous case.

5. Considering the facts and circumstances of the case, nature of offence and considering the fact that the petitioners are not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed 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 concerned learned Judicial Magistrate, on condition that:

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(i) the petitioners execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand), each with two sureties each, for a like sum to the satisfaction of the Judicial Magistrate, Thuckalay;

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

(iii) The petitioners shall appear before the Judicial Magistrate, Thuckalay, daily at 10.30 am until further orders. They have to co-operate for the investigation.

(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
24/06/2024

(*)Amended as per order of this Hon'ble court in CRL MP(MD).7428/2024 in CRL OP(MD).9193/2024 dated 26.07.2024

Time is extended by two weeks from the date of receipt of a copy of this order.

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 05/07/2024

1 THE JUDICIAL MAGISTRATE,
THUCKALAY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-8893[I] dated 29/07/2024)

ORDER IN
CRL OP(MD) No.9193 of 2024
Date :24/06/2024

SA/GS/SAR. /03.07.2024/4P/6C
RS/VR/SAR. /12.08.2024/4P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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