



CRL OP(MD). No.18956 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18956 of 2024

Sivagami

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu through,
The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
(Crime No.313 of 2024).

... Respondent/Complainant

For Petitioner : Mr.S.Ramesh Kumar,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.313 of 2024 on the file of the respondent police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

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The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 296(b), 137(2), 62 and 351(2) of the Bharatiya Nyaya Sanhita, in Crime No.313 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner is said to have trespassed into the defacto complainant's house and abused the defacto complainant in filthy language and threatened her with dire consequences, and tried to take away her granddaughter with an intention to kill. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations in this case that due to enmity, the petitioner is said to have trespassed into the house of the defacto complainant and threatened her with dire consequences and also tried to snatch away her grand child and considering the fact that the matter relates to case and counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchendur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(b) the petitioner shall report before the respondent police every Saturday and Sunday at 10.30 a.m, for a period of four weeks and thereafter, as and when required for interrogation;

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

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



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(e)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;

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

sd/-
30/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. THE JUDICIAL MAGISTRATE, THIRUCHENDUR,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE INSPECTOR OF POLICE,
THIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.



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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-13534[I] dated 30/10/2024)

ORDER
IN
CRL OP(MD) No.18956 of 2024
Date :30/10/2024

RK/VR (21/11/2024) 5P / 6C

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