



CRL OP(MD) No.23227 of 2023

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23227 of 2023

1 MARIAPPAN
2 PARAMESHWARI

... PETITIONERS/ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
UTHAMAPALAYAM TALUK,
THENI DISTRICT.
CRIME NO.456 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.ESWARAN, Advocate
For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.456 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 and 2, who apprehend arrest at the hands of
the respondent police for the alleged offence punishable under Sections 294(b), 323,
324 and 506(ii) of I.P.C., and Section 4 of TNPHW Act in Crime No.456 of 2023, seek
anticipatory bail.

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



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2. The case of the prosecution is that there was a wordy quarrel arose between the petitioners and the defacto complainant and the petitioners harassed the defacto complainant's wife with dire consequences and abused her with filthy language. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit 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 anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the victim sustained simple injury.

5. Considering the facts and circumstances of the case and also considering the fact that the injury sustained by the victim is simple in nature, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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, Uthamapalayam, 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



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and on further condition that:

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(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;

(c).the petitioners are directed to appear before the respondent police for a period of two weeks daily at 10.30 A.M., and thereafter, 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 absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
04/01/2024

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/01/2024

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

TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, UTHAMAPALAYAM POLICE STATION,
UTHAMAPALAYAM TALUK, THENI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.23227 of 2023

Date :04/01/2024

RS/DD/SAR-(08.01.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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