



CRL OP(MD) No.23530 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.23530 of 2023 and 49 of 2024

1 UDHAYA

2 NAVEEN BAIGG

3 NITHYA

4 SAHAYA VITHYA MELIDAS

**... PETITIONER / ACCUSED Nos. 1 to 4
in CRL OP(MD)No. 23530 OF 2023**

SELVARAJ

**...PETITIONER/ACCUSED NO.5
in CRL OP(MD)No. 49 of 2024**

Vs

**THE SUB INSPECTOR OF POLICE
VELLISANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.184 OF 2023.**

**... RESPONDENT/ COMPLAINANT
IN BOTH PETITIONS**

IN BOTH PETITIONS:

For Petitioner : MR.R.VIGNESH, Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)



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

COMMON PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.184 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 to 5, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(II) of I.P.C. and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No. 184 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity. the petitioners attacked the defacto complainant and her husband and abused them with filthy language. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the first petitioner is a practising Advocate. He would further 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 injured has been discharged from the Hospital.

5. Considering the facts and circumstances of the case and also considering the

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fact that the injured has been discharged from the Hospital, 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, Eraniel, Nagercoil, on condition that the petitioners shall execute a bond for a sum of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties (common surety) 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;

(c). the petitioners 1, 3 and 4 in CrI.O.P. (MD).No.23530 of 2023 are directed to appear before the respondent police as and when required for interrogation and petitioner No.2 in CrI.O.P.(MD).No.23530 of 2023 and petitioner in CrI.O.P. (MD).



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No.49 of 2024 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 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 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/-
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.

TSG
TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL, NAGERCOIL.

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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE
VELLISANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-152[I] & 151(I)dated
04/01/2024)

ORDER
IN
CRL OP(MD) No.23530 of 2023
and 49 of 2024
Date :04/01/2024

PKP/DD/SAR- /12.01.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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