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Crl.O.P.No.30922 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30922 of 2024

1.KUMARESAN
2.Deva @ Prabhakaran
3.Jothi @ Arul Jothil

Petitioner(s)

Vs

State Rep. By
The Inspector of Police,
Marakkanam Police Station, Villupuram District.
Crime No.858 Of 2024

Respondent(s)

For Petitioner(s):

G.Tamil Selvan
P.Murali
D.Stalinantonyraj
M.Jayaprakash

For Respondent(s):

Public Prosecutor

ORDER

Apprehending arrest in connection with Crime No.858 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS, the present petition has been filed by the petitioners seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication



in the case, learned counsel for the petitioners seek indulgence of this Court.

He further submits that the incident occurred during a fight between two groups, and petitioners and the women of their side were also assaulted and got injured. He would submit that they are ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners along with 23 others, waylaid the defacto complainant and his relatives, assaulted them with a knife and an iron pipe and also threatened them with dire consequences, due to which, the defacto complainant sustained grievous injuries. He further submitted that, there are no previous cases against the petitioner herein.

4.Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on their appearance within a



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period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Tindivanam**, on condition that the petitioner shall execute separate 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 the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall stay at Chennai and report before the Inspector of Police, R4 - Soundarapandiyanar Police Station everyday at 06.30 p.m. until further orders.

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

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

[e] On breach of any of the aforesaid conditions, the



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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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

12.12.2024

Anu

To

1. The Judicial Magistrate No.II, Tindivanam

2.The Inspector of Police,
Marakkanam Police Station, Villupuram District.

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