



CRL OP(MD)No.10386 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 12.07.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10386 of 2024

Divine

... Petitioner/ Accused 9

Vs

The Inspector of Police,
Koodankulam Police Station,
Thirunelveli District.
(Ref.Crime No.196 of 2024)

... Respondent/Complainant

For Petitioner : Mr.J.Suresh, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.196 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 341, 342, 294(b), 324, 307, 302 and 506(ii) IPC in Crime No.196 of 2024 on the file of the respondent police, seeks

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



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anticipatory bail.

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2.The case of the prosecution is that on 08.05.2024 at about 01.30 am., the accused persons waylaid the defacto complainant and his father, attacked them indiscriminately, due to which, the defacto complainant's father succumbed to the injuries. Hence, the case.

3.The learned counsel appearing for the petitioner submits that this is second petition for anticipatory bail. When the first petition taken up for hearing, he was unable to appear before this Court and the same was dismissed based on the submission of the learned Additional Public Prosecutor that there is a specific overt act as against the petitioner. The learned counsel appearing for the petitioner disputes the same and submits that the only overt act attributed as against the petitioner is that he has also conspired with other accused in the commission of offence.

4.The learned Additional Public Prosecutor for the respondent has also confirmed that the overt act as against the petitioner is that he conspired together with the other accused.

5.Admittedly, the petitioner was not present at the scene of occurrence and he has been implicated only through confession statement. Considering all these aspects, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate at Radhapuram, Tirunelveli District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate at Radhapuram, Tirunelveli District and on further conditions that:

- i. The petitioner 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.
- ii. The petitioner shall appear before the respondent police daily Morning at 10.30 am., and Evening at 05.00 pm., until further orders. He has to co-operate for the investigation.
- iii. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.
- iv. On violation of any of the above conditions by the petitioner, the



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respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
12/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE, RADHAPURAM, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION, THIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.10386 of 2024
Date :12/07/2024

SA/VR/SAR. /24.07.2024/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.