



CRL OP(MD). No.10303 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10303 of 2024

Muthukumar

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Kadayanallur Police Station,
Tenkasi.

Cr.No.313/2024

... Respondent/ Complainant

K.Sankar

... Petitioner/Intervenor/De-facto Complainant
In CRL MP(MD).7148/2024 in CRL OP(MD).10303 of 2024

For Petitioner : M/s.K.Sheenivasan, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)
For Intervenor : Mr.B.Arun, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(2) of IPC, in

Cr.No 313 of 2024, seeks anticipatory bail.

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



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2.The case of the prosecution is that the defacto complainant is one of the member of Village Committee. On 29.06.2024, at about 09.00 p.m, Village Committee Meeting was conducted at Community Marriage Hall under the heads of one Ramasubramanian @ Kannan. At that time, the petitioner herein has prevented the completion of meeting by making unnecessary arguments and shouting. In such circumstances, on 30.06.2024, at about 10.40 p.m, the petitioner along with other accused waylaid the defacto complainant and abused him in filthy language and slapped his both cheeks and tried to attack him with iron amulet. Further, they found in possession of Iron Rod and aruval in a Car with an intention to murder him and they have forced him into their car. Since, the village people gathered together, they escaped from the place of occurrence. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that by the order dated 11.07.2024 interim anticipatory bail was granted by this Court. Thereafter, Peace Committee Meeting was conducted and the matter was compromised between the parties. In this regard, resolution was also passed. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the defacto complainant would submit that the defacto complainant has sustained grievous injuries. A1 and A3 were already



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arrested and remanded to the judicial custody. However, the petitioner herein is still in absconding. If he is released on bail, there is every possibility of absconding and it will affect the investigation. Hence, he prayed for dismissal of this petition.

5.The learned Government Advocate (Crl.Side) would submit that A1 and A3 were already arrested and remanded to the judicial custody. However, the petitioner herein is still in absconding. Further, the investigation is in preliminary stage. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 Court, Tenkasi, 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



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card or Bank pass Book to ensure their identity;

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(b)the petitioner shall report before the respondent police weekly once i.e., every Saturday at 10.30 a.m, until further orders;

(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;

(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/-

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/07/2024

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

DSS



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TO

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1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, KADAYANALLUR POLICE STATION,
TENKASI.

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

+1 CC to M/s.M.SWETHA, Advocate (SR-8064[I] dated 18/07/2024)

ORDER
IN

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Date :18/07/2024

RS/VR/SAR-(25.07.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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