



CRL OP(MD).No.11510 of 2024

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

Date : 02.08.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Gomathi Selvam

... Petitioner/ Accused No.3

Versus

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

... Respondent/Complainant

For Petitioner : Mr.M.Prabu, Advocate

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Crl. side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.288 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.288 of 2024, for the offence punishable under Sections 341, 294(b), 307 and 506(ii) IPC, has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that due to car parking issue, the accused have abused the defacto complainant and her brother using filthy language, assaulted



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them using aruval, caused injuries and threatened them with dire consequences.

Hence, the case.

3. The learned Government Advocate (Crl.Side) appearing for the respondent strongly opposes for grant of anticipatory bail to the petitioner that considering the antecedent of the petitioner and also considering the nature of injury, this Court had dismissed the earlier application by order dated 27.06.2024. He further submits that the victims have sustained grievous head injury.

4. Today, when the matter is taken up for consideration, the learned counsel appearing for the petitioner submits that one L.P.Jothipasu, Ward Councillor of Kovilpatti Municipality, has come forward to file an undertaking affidavit that the petitioner will not indulge in any other offence in future. He has also filed an undertaking affidavit to that effect. He further submits, the petitioner has come forward to pay a sum of Rs.20,000/- as a compensation to the victim. However, the victim refused to receive the same.

5. Considering the facts and circumstances of the case and also considering the undertaking affidavit filed by one L.P.Jothipasu that the petitioner will not indulge in any other offence in future, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is



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ordered to be released on bail in the event of his arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, on condition that

(*) (i) the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties of which one surety shall also be for a sum of Rupees Rs.1,00,000/- and another surety shall be that of Mr. L.P.Jyothi Basu for the value of Rs.10,000/-.

ii) the sureties shall file separate affidavits before the concerned Judicial Magistrate as well as before the respondent Police that they will ensure that the petitioner will not involve in any further offence in future. Out of the two sureties, one surety shall be Mr.L.P.Jothipasu, Ward Councillor of Kovilpatti Municipality, who filed undertaking affidavit before this Court.

(iii) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Thirty Thousand only) to the credit of Crime No.288 of 2024 before the learned Judicial Magistrate concerned, without prejudice to his contentions and rights before the trial Court and on such deposit being made, if the victims are willing to receive the said amount, they are entitled to file an appropriate application to withdraw the said amount or otherwise the said amount shall be decided at the time of deciding the case by the

learned Judicial Magistrate concerned under Section 357 of Cr.P.C.

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iv) The petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders. He has to co-operate for investigation.

v) The petitioner shall file an undertaking affidavit before the respondent Police and also before the concerned Judicial Magistrate that he will not indulge in any other offence in future.

vi) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

vii) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
02/08/2024

(*) Amended as per order of this Hon'ble Court in CRL MP(MD)NOs.9561 of 2024 in CRL OP(MD). 11510/2024 dated 10.09.2024 by DBCJ

Further Time for complying the condition imposed by this Court in the above said Crl.O.P. is extended for a period of one week from the date of receipt of a copy of this order.

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/ 09 / 2024

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



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JBR
TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DATED 02/08/2024
ALREADY DESPATCHED.

1 THE JUDICIAL MAGISTRATE
NO.II, KOVILPATTI, THOOTHUKUDI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.M.PRABU, Advocate (SR-11171[I] dated 11/09/2024)

ORDER
IN

CRL OP(MD) No.11510 of 2024
Date :02/08/2024

PSP/GS/SAR /21.08.2024/ 5P/ 5C

PSP/JGB/SAR /25.09.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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