



CRL OP(MD). No.10765 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

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

CRL OP(MD). No.10765 of 2024

R.Karuppaiah Gopi,

... Petitioner/ Accused Rank Not Known

Vs

1. The Inspector of Police,
Town Police Station,
Theni District.
C.S.R No. 664/2024.
Crime No. Not known of 2024).

2. Bharathi,

... Respondents/Defacto Complainants

For Petitioner : Mr.K.Mahendran,Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

ePETITION FOR ANTICIPATORY BAIL Under Sec. 482 of BNSS

PRAYER :-

To release the petitioner on bail in the event of his arrest by the 1st Respondent police in connection with Crime No.Not known of 2024 in CSR No. 664/2024 on the file of the 1st respondent police.

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



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ORDER : The Court made the following order :-

The petitioner/Accused Rank Not Known, who apprehends arrest at the hands of the first respondent police for the alleged offence under Section 97 of Bharatiya Nyaya Sanhita, 2023, in Crime No.Not Known of 2024, seeks anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute, the petitioner is said to have kidnapped the defacto complainant's child. Hence, the Law Enforcing Authority, registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner and the defacto complainant / second respondent are husband and wife. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner and the second respondent / defacto complainant are husband and wife and the petitioner is said to have kidnapped the defacto complainant's child. This case is at CSR stage.

5. Considering the facts and circumstances of the case and also considering the facts that it is a family dispute, I am inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioner is granted anticipatory bail and he 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, Theni, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner 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 his 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 his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC

sd/-
19/07/2024

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

LS
TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
TOWN POLICE STATION,
THENI DISTRICT.



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

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-8141[I] dated 19/07/2024)

ORDER
IN
CRL OP(MD) No.10765 of 2024
Date :19/07/2024

PKP/JGB/SAR /29.07.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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