



CRL OP(MD). No.11319 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

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Shantha @ Santhabai

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
St Kulam Police Station,
Kanniyakumari District.
(Crime No 46 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.K.Sivabalan, Advocate
for M/s.Aran Legal Consultancy, Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of B.N.S.S

PRAYER :-

For Anticipatory Bail in Crime No. 46 of 2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

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The petitioner/ A4, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 324, 307, 506(ii) IPC, in Crime No.46 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity the petitioner and other accused attacked the defacto complainant's brother with aruval and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) appearing for the respondent police has strongly opposed to grant anticipatory bail to the petitioner. However, he would submit that in this case, investigation has been completed and charge sheet has also been filed and co-accused have already been released on bail.

5. Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been released on bail and charge sheet has been filed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest



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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 No.III, Kanniykumari at Nagercoil 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 card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the concerned Court weekly once i.e., every Monday 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



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Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-
31/07/2024

/ TRUE COPY /

/08/2024

Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN

To

1.The Judicial Magistrate No.III,
Kanyakumari at Nagercoil.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Sri Kulam Police Station,
Kanniyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-9155[I] dated 01/08/2024)

ORDER
IN

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Date :31/07/2024



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ED/JGB /SAR- (22/08/2024) 5P / 6C

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