



CRL OP(MD). No.11416 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

CRL OP(MD). No.11416 of 2024

Sudalaivadivu,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
Cr.No.202/2024.

... Respondent/Complainant

For Petitioner : K.Suyambulingabharathi, Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.202 of 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



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police for the offences punishable under Sections 226, 287, 131, 132 and 351(3) of BNS, 2023, in Cr.No.202 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and his team went to arrest the accused in connection with Crime No.164 of 2024, the accused has made an attempt to escape from the scene of occurrence. However, the respondent police used minimum force and managed to secure the accused. At that time, the wife of the accused tried to secure the accused by way of threatening the police to commit suicide and prevented the defacto complainant and his team from discharging their duties. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the investigation is in preliminary stage. However, he fairly conceded that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that no bad antecedent is reported against the petitioner, 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, Tirunelveli, 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 respondent police daily at 10.30 a.m, for a period of three weeks and thereafter, as and when required for interrogation;

(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;

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

229-A IPC.

sd/-

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/ 08 /2024

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

Madurai Bench of Madras High Court,

Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE
NO.III TIRUNELVELI

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

3 THE INSPECTOR OF POLICE
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.11416 of 2024

Date :24/07/2024

PSP/GS/SAR /09.08.2024/ 4P/ 5C

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