



CRL OP(MD). No.11438 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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1. Edwin Santhosh

2. Shaiju

... Petitioners/ Accused 1 to 2

Vs

The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
(Crime No.145/2024.)

... Respondent/Complainant

For Petitioners : M/s.F.Deepak, 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 Crime No.145/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Sections 296(b), 118(1), 115(2) and 351(3) of BNS, in Crime No.145 of 2024, seek anticipatory bail.

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2.The case of the prosecution is that the petitioners herein are none other than the grand-sons of the defacto complainant. When the defacto complainant was going to Tea shop, he noticed that the petitioners herein have beaten their father, who is the son of the defacto complainant. When the same was questioned by him, they have also abused the defacto complainant in filthy language and assaulted him with stones and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the the investigation is in preliminary stage. But, however, he fairly conceded that the injured was discharge from the hospital and no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and no bad antecedent is



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reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate I Court, Padmanabanabhapuram, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance



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with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/07/2024

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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.I,
Padmanabhapuram, Kanyakumari District.

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

3.The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

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

+1 CC to M/s.F.DEEPAK, Advocate (SR-9037[I] dated 31/07/2024)



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ORDER
IN
CRL OP(MD) No.11438 of 2024
Date :31/07/2024

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

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