



CRL OP(MD). No.11512 of 2024

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

Date : 25/07/2024

PRESENT

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

CRL OP(MD). No.11512 of 2024

1. Nathiya
 2. Saravanakumar
 3. Bala Alias Balakrishnan
 4. Manikandan
 5. Karuppusamy
 6. Arun Alias Arunkumar
 7. Aruchamy
 8. Mahalakshmi
 9. Nachammal Alias Nacharu
- ... Petitioners/ Accused Nos.1 to 3 & 5 to10
- Vs
- The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No 339 of 2024).
- ... Respondent/Complainant



CRL OP(MD). No.11512 of 2024

For Petitioners : M/s.D.Venkatesh, Advocate.

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

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PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No 339 of 2024 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/ A1 to A3 & A5 to A10, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1), 329(4) & 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.339 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first petitioner are the husband and wife. Due to difference of opinion, they got separated and divorce proceedings is also pending. In such circumstances, the petitioners trespassed into the house of the defacto complainant and abused him in filthy language and assaulted him with knife 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.



CRL OP(MD). No.11512 of 2024

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He would further submit that the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that it is a matrimonial dispute. A4 was arrested and still in custody. The investigation is in preliminary stage and the first petitioner is having 3 previous cases. However, he fairly conceded that the injured was discharge from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, 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, Palani, 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



CRL OP(MD). No.11512 of 2024

for a period of three weeks and thereafter, as and when required for interrogation;

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(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 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/-
25/07/2024

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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,
Palani.



CRL OP(MD). No.11512 of 2024

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-8697[I] dated 26/07/2024)

ORDER
IN

CRL OP(MD) No.11512 of 2024
Date :25/07/2024

ED/ VR /SAR- (06/08/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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