



CRL OP(MD). No.11764 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2024

PRESENT

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

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1. Sathish Kumar,

2. Prabhu,

3. Gopinath,

... Petitioners No.1 to 3/ Accused No.1 to 3

4. Sureshgandhi,

...4th Petitioner/Rank not Known

Vs

The Sub Inspector of Police,
Thiruverambur Police Station,
Trichy District.
(Crime No 314 of 2024).

... Respondent/Complainant

For Petitioner : Mr.Angusamy V,
Advocate.

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



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :- For Anticipatory Bail in Crime No 314 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, in Crime No.314 of 2024, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute between the parties, the petitioners said to have abused the defacto complainant in filthy language and threatened her with dire consequences and also assaulted her and caused injury. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) would submit that it is a case and counter case and the injured was discharge from the hospital and the petitioners are not having any previous case. However, the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.



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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, this Petition is allowed and 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 No.VI, Trichy, 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;



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(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/-

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/08/2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
TRICHY.
- 3 THE SUB INSPECTOR OF POLICE
THIRUVERAMBUR POLICE STATION,

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



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

+1. CC to ANGUSAMY V Advocate SR.No.8761

ORDER
IN
CRL OP(MD) No.11764 of 2024
Date :26/07/2024

MGJ/JGB/06.08.2024/5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.