



CRL OP(MD). No.11712 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. M Rajesh,

2. Neethu,

3. Sethu Alias Sethupathi,

4. Nimmi,

Vs

... Petitioners/ Accused Nos.1 to 4

The Inspector of Police,
Kadamalaikundu Police Station,
Theni District
(Crime No 237 of 2024).

... Respondent/ Complainant

For Petitioners : Mr.P.Suresh Kumar,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

Petition for Anticipatory bail under section 482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No 237 of 2024 on the file of the
Respondent Police.



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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), 109 and 303(2) of BNS, 2023, in Crime No.237 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive between the parties, the petitioners said to have waylaid the defacto complainant and abused him in filthy language and assaulted him and stolen his money and cell phone. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the injured was treated as out patient and there is no previous case as against the petitioners. But, however, the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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, Aundipatty, Theni 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 with



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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/-
26/07/2024

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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
AUNDIPATTY, THENI DISTRICT.

2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT

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



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+1. CC to P.SURESH KUMAR Advocate SR.No.8843

ORDER
IN
CRL OP(MD) No.11712 of 2024
Date :26/07/2024

MGJ/VR/06.08.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.