



CRL OP(MD)No.11748 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 AA.NAKKIRAN

CRL OP(MD)No.11748 of 2024

Mohamed Samer

... Petitioner / Accused No.8

Vs

The Inspector of Police,
Sakkottai Police Station,
Sivaganga, Sivaganga District.
(Crime No.174 of 2024)

... Respondent / Complainant

For Petitioner : Mr.A.Abdul Wahab, 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.174 of 2024 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 296(b), 118(1) and 351(2) BNS in Cr.No.174 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during temple festival, there was a dispute between the parties, due to which, the accused persons abused the defacto complainant in filthy language and also assaulted him. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) for the respondent submits that there is no previous case pending as against the petitioner and the injured person has already been discharged from the hospital.

5.Considering the fact tha there is no previous case pending as against the petitioner and the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the



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Judicial Magistrate, Karaikudi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand) 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 respondent Police daily at 10.30 am., for a period of three weeks and thereafter, as and when required;

(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/-
26/07/2024

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/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate,
Karaikudi.

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

3.The Inspector of Police,
Sakkottai Police Station,
Sivaganga, Sivaganga District.

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

+1 CC to M/s.A.ABDUL WAHAB, Advocate (SR-8778[I] dated 26/07/2024)

ORDER
IN
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Date :26/07/2024



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

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