



CRL OP(MD). No.12247 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. Mahadevan

2. Gunaseelan, (M/ A-24)
S/o.Thangaiyan,
Adhidravider Street
Naduveli,Kathiramangalam,
Thiruvidaimaruthur Taluk,
Thanjavur District.

3. Gnanaseelan,(M/ A-33)
S/o.Thangaiyan,
Adhidravider Street,
Naduveli,Kathiramangalam,
Thiruvidaimaruthur Taluk,
Thanjavur District.

4. Gunasekaran @ Stalin,

5. Mathivanan @ Lenin @ Periyavan

6. Gayathri,

7. Jansirani,

... Petitioners/ Accused Nos.1to7

Vs



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The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District
Crime No.367/2024.

... Respondent/Complainant

For Petitioners: M/s.Gurumoorthy.S,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.367/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections (*)191(2), 296(b), 118(1), 115(2) and 351(3) of BNS, in Crime No.367 of 2024, seek anticipatory bail.

2.The case of the prosecution is that a person, who is the cannabis seller is staying in A1's house. When the same was questioned by the defacto complainant, the petitioners have abused the defacto complainant in filthy language and assaulted him with wooden stick and caused injuries. Hence, the complaint.

<https://www.mhc.tn.gov.in/> 3.The learned counsel for the petitioners would submit that the petitioners are



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innocents and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case and case in counter and 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 the investigation is still pending and the second petitioner is having 1 previous case. However, he fairly conceded that it is a case and case in counter and the injured was discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and 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 District Munsif Cum Judicial Magistrate, Thiruvudaimaruthur 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:



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(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 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;



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(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/07/2024

(*)Amended as per order of the Court dated 04.09.2024 in CRL. MP(MD).No.9245 of 2024 in CRL OP(MD). No.12247 of 2024 by DBCJ.

Further Time granted by this Court to comply with the condition imposed vide order dated 31.07.2024 in CrI.O.P.(MD)No.12247 of 2024 is extended for a period of one week from the date of receipt of amended copy of this order.

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/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 31/07/2024 ALREADY DESPATCHED.

1. The District Munsif Cum Judicial Magistrate, Thiruvudaimaruthur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjore District @ Kumbakonam.
3. The Inspector of Police,
Pandhanallur Police Station, Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.S.GURUMOORTHY, Advocate (SR-10878[I] dated 04/09/2024)

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ORDER IN
CRL OP(MD) No.12247 of 2024
Date :31/07/2024

RK/VR (09/08/2024) 6P / 6C

SA/JGB/SAR. /16.10.2024/6P/6C

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