



CRL OP(MD). No.12576 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2024

PRESENT

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

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1. Dhilip Raja,

2. Shahulhameed,

3. Ayisa Begam,

4. Benasir Farida,

... Petitioners/ Accused Rank not known

Vs

The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
(Crime No.319 of 2024).

... Respondent/Complainant

For Petitioners : Mr.R. Shankar Ganesh,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS



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PRAYER :-

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For Anticipatory Bail in Crime No. 319 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), 351(3) of BNS and Section 4 of TNPHW Act, in Crime No.319 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are the husband and wife. Due to matrimonial dispute, the petitioners said to have abused the defacto complainant in filthy language and assaulted her with hands 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. 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 the injured



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was discharge from the hospital. But, however, the investigation is still pending.

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Hence, he strongly opposed to grant anticipatory bail to the petitioners.

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 Judicial Magistrate Court, Periyakulam, 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;



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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/-
02/08/2024

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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



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TO
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- 1 THE JUDICIAL MAGISTRATE
PERIYAKULAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
PERIYAKULAM,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-9359[I] dated 02/08/2024)

ORDER
IN
CRL OP(MD) No.12576 of 2024
Date :02/08/2024

SS/VR/SAR- /20/08/2024/5P/6C

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