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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

CRL OP(MD). No.12282 of 2024

1. Balamurugan  
2. Vijay

... Petitioners/ Accused Nos.1&2

Vs

The Inspector of Police,  
Gudalur South Police Station,  
Theni District.  
Crime No. 116/2024.

... Respondent/Complainant

For Petitioners : M/s. Arun.B,  
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.116 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 329(3), 324(5), 296(b), 351(3)

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



of BNS, 2023, in Crime No.116 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 04.07.2024 at about 07.00 a.m, the petitioners along with other accused are said to have trespassed in to the mango grove and abused the defacto complainant in filthy language and threatened him with dire consequences. Further, they caused damage to the mango tress worth about Rs.2,00,000/-. 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 no previous case is pending against the petitioner. 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. However, he fairly conceded that no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that no bad antecedent is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) each to the Madurai Bench Highcourt Advocates Association (MBHAA), Indian Bank, Madurai High Court, Ac.No.,496038755, IFSC Code :

IDIB000H040, without prejudice to their rights and contentions before the trial Court

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and produce the receipt/acknowledgement before the learned Judicial Magistrate, Uthamapalayam, Theni District.

7. On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, 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 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/-  
31/07/2024

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/08/2024

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

DSS

TO

1 THE JUDICIAL MAGISTRATE  
UTHAMAPALAYAM THENI DISTRICT.

2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE  
GUDALUR SOUTH POLICE STATION, THENI DISTRICT.

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

COPY TO:  
THE OFFICER INCHARGE,  
MADURAI BENCH HIGHCOURT ADVOCATES ASSOCIATION (MBHAA),  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.ARUN, Advocate ( SR-9215[I] dated 01/08/2024 )



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ORDER  
IN

CRL OP(MD) No.12282 of 2024

Date :31/07/2024

MK/MGA/23.08.2024 5P 7C

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