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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12386 of 2024

1. Muruganantham
2. Karthikeyan

... Petitioners/ Accused Nos.5&6

Vs

The Inspector of Police,
Ponnamaravathi Police Station
Pudukkottai District.
Crime No. 138/2024.

... Respondent/Complainant

Muthukumar

... Petitioner / Proposed 2nd Respondent /
Defacto Complainant
in CRL MP(MD)No.7992 of 2024

For Petitioner : M/s. Arun Prasad.A,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervener : Mr.B.Namassivayam,
Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 138 of 2024 on the file of the respondent Police.

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



ORDER : The Court made the following order :-

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The petitioners/ A5 & A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 296(b), 115(2), 118(1) & 351 (2) of BNS, in Crime No.138 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the defacto complainant and A1, the petitioners and the other accused are said to have abused the defacto complainant in filthy language and assaulted him with hands & Iron Rod and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner submitted that on earlier occassion, the petitioners undertook to file an affidavit before this Court itself that they will only take recourse to due process of law.

4.Today when the matter came up for hearing, as a matter of fact, such affidavits of both Muruganantham and Karthikeyan is filed before this Court.

5.In view thereof, the petitioners can be enlarged on anticipatory bail 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, Ponnamaravathi, 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 two 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/-
16/08/2024

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

DSS
TO

1 THE JUDICIAL MAGISTRATE, PONNAMARAVATHI.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
PONNAMARAVATHI POLICE STATION
PUDUKKOTTAI DISTRICT

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

+1 CC to M/s.B.NAMASIVAYAM, Advocate (SR-10028[I] dated 16/08/2024)



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ORDER

IN

CRL OP(MD) No.12386 of 2024

Date :16/08/2024

MK/MGA/22.08.2024 5P 6C

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