



CRL OP(MD). No.12553 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

CRL OP(MD). No.12553 of 2024

Maria Stanly Walden

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No. 217 of 2024).

... Respondent/Complainant

For Petitioner : M/s. Suresh.S., Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
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. 217 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) of IPC and Section 4 of



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TNPHW Act, in Crime No.217 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that this Court by the order dated 25.03.2024, in CrI.OP(MD)No.4684 of 2024, granted anticipatory bail to the petitioner with certain conditions. However, the petitioner has failed to comply with the conditions in time due to unavoidable circumstances. Hence, they have filed a petition in CrI.MP(MD) No.6193 of 2024 in CrI.OP(MD)No.4684 of 2024 for extension of time. However, this Court, by the order dated 21.06.2024, dismissed the said petition with liberty to the petitioners to file a fresh anticipatory bail petition. Hence, this petition.

3.The learned counsel for the petitioner would submit that the petitioner's mother was bitten by a snake and she was in ICU at Government Hospital, Asaripallm, Nagercoil, Kanyakumari District. Hence, he could not surrender before the Court and produce the sureties. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.Side) for the respondent would submit that usual conditions only imposed upon the petitioner at the time of granting anticipatory bail. However, he has not complied with the conditions in time. Hence,



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he vehemently, opposed to grant anticipatory bail to the petitioner.

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5.Considering the facts and circumstances of the case and also considering the reasons for non-compliance of the order passed by this Court dated 25.03.2024, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 the trial Court daily at 10.30 a.m, for a

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period of three weeks and thereafter, as and when required for interrogation;

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(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;

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

sd/-
02/08/2024

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30/08/2024
Sub-Assistant Registrar (CS-I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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1. The Judicial Magistrate, Valliyoor,
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Panagudi Police Station, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SURESH, Advocate (SR-9350[I] dated 02/08/2024)

ORDER
IN
CRL OP(MD) No.12553 of 2024
Date :02/08/2024

RK/JGB (30/08/2024) 5P / 6C

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