



CRL OP(MD). No.12743 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12743 of 2024

Bala @ Balasubramanian

... petitioner / 2nd Accused

Vs.

**The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District,
Cr.No.53 of 2023.**

... Respondent/Complainant

For petitioner : Mr.S.Balaji Nivas, Advocate.

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory bail in Crime No.53 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b),323,324 and 506(ii) of IPC in

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



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Crime No.53 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to money dispute between the parties, the petitioner herein abused and assaulted the defacto complainant and threatened with dire consequences.

3. The learned counsel for the petitioner would submit that earlier the petitioner was enlarged on anticipatory bail on condition that the petitioner shall pay a sum of Rs.20,000/- to the defacto complainant / victim. But however, the victim did not accept the payment and therefore, he has filed this second anticipatory bail petition and prayed for grant of anticipatory bail to the petitioner.

4. On the other hand, the learned Public Prosecutor would submit that earlier the petitioner got anticipatory bail and thereafter, he has not filed any application for extension or modification of the condition. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the overall facts and circumstances of the case, since the second petition is now filed and the petitioner has not yet been arrested, I am inclined to grant anticipatory bail on condition that the petitioner shall deposit the said sum of Rs.20,000/- to the credit of the crime number, before trial Court.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, on executing a



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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 Judicial Magistrate, Devakottai, Sivagangai District.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.53 of 2023 before the learned Judicial Magistrate, Devakottai, Sivagangai District, within a period of two weeks without prejudice to his rights and contentions before the trial Court; Only upon deposit, the petitioner shall be enlarged on anticipatory bail.

(iii) the petitioner shall report before the respondent Police, daily at 10.30 am for a period of four weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(iv) the petitioner shall not tamper with evidence or witness;

v) the petitioner shall not abscond during trial.

vi) 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

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



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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].

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

sd/-
05/08/2024

/ TRUE COPY /

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

LS

TO

1 THE JUDICIAL MAGISTRATE
DEVAKOTTAI, SIVAGANGAI DISTRICT

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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



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+1 CC to M/s.S.BALAJI NIVAS, Advocate (SR-9548[I] dated 07/08/2024)

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ORDER
IN

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Date :05/08/2024

PSP/JGB/SAR /16.08.2024/ 5P/ 6C

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