



CRL OP(MD). No.12737 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.12737 of 2024

Damin Mariya Prakasam

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kallakudi Police Station,
Trichy District.
(Crime No.126 of 2024)

... Respondent/Complainant

For Petitioner : M/s.S.B.Kayvin Prince,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For Intervenor : Mr.K.Sivabalan, Advocate
for M/S.Arun Legal Consultants

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.126 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-



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The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 333 and 355 of BNS, 2023, in Crime No.126 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that there is a dispute between the parties with regard to the dog of the defacto complainant barking at midnight. The petitioner trespassed into the house of the defacto complainant and attacked the grand-mother of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that it is a family dispute between the husband and wife and the injured was discharged from the hospital. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor would oppose the bail prayer on the ground that the petitioner, who is the aggressor, entered into the house of the defacto complaint and even attacked the age-old victim. However, he fairly conceded that the injured has sustained simple injury and treated as outpatient.

5.Considering the rival submissions made on either side and also considering the facts that the dispute arose on account of the pet dog of the defecto complainant and the injured has sustained only simple injury, this Court is inclined to enlarge the petitioner on Anticipatory bail with certain conditions.



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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, Lalgudi, 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 respondent police daily at 10.30 a.m, for a period of three weeks and thereafter, as and when required for interrogation;

(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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
05/08/2024

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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

TO

1 THE JUDICIAL MAGISTRATE, LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, KALLAKUDI POLICE STATION,
TRICHY DISTRICT.

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

ORDER IN
CRL OP(MD) No.12737 of 2024
Date :05/08/2024

RS/JGB/SAR-(20.08.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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