



CRL OP(MD). No.12752 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

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1.Jeyakumar

2.Kannan

... Petitioners/ Accused Nos.1&2

Vs

The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
(In Crime No.136 of 2024)

... Respondent/Complainant

For Petitioners : M/s. Balamuruganantham. R, 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.136 of 2024 on the file of the respondent police.



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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 296(b), 115(2) & 303(2) of BNS r/w Section 4 of TNPWH Act, in Crime No.136 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the husband of the defacto complainant are brothers. Due to the civil dispute with regard to the undivided ancestral property, the petitioners abused the defacto complainant and her husband in filthy language and attacked her husband. At that time, 2 sovereigns of gold chain has also been stolen. 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 due to the civil dispute with regard to the undivided ancestral property, such a false allegation has been made. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The Additional Public Prosecutor would submit that the investigation is in preliminary stage. Hence, he strongly, opposed to grant anticipatory bail to the petitioners.

5.considering the fact that the husband of the defacto complainant and the petitioners are brothers and also considering the argument of the learned counsel for



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the petitioner that such a false complaint has been made in view of the family dispute with reference to the common property, this Court is inclined to grant anticipatory bail to the petitioners 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 Judicial Magistrate (Additional Mahila Court, Srivilliputhur, Virudhunagar District, 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 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;



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(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/-
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
(ADDITIONAL MAHILA COURT) SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



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3. THE INSPECTOR OF POLICE
KRISHNANKOVIL POLICE STATION
VIRUDHU NAGAR DISTRICT.

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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-9470[I] dated
05/08/2024)

ORDER
IN
CRL OP(MD) No.12752 of 2024
Date :05/08/2024

PSP/JGB/SAR /19.08.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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