



CRL OP(MD). No.12829 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Nagooran,
2. Syed Ibrahim,
3. Shafeer Hameed,

... Petitioners/Unnamed Accused

Vs

The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukottai District,
Crime No.92/2024.

... Respondent/Complainant

For Petitioners : M/s.Pragatheeswaran.S, 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.92/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent

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police for the offences punishable under Section 194 of BNSS, in Crime No.92 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that while the defacto complainant's son, namely, Vijay Anand was going to Idayankadu MSM Sulthan land for fencing of stone, due to electrocution, he was died. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.The learned counsel for the petitioners submits that by mistake, when the deceased sought to excavate the earth, he came into contact with the wire buried beneath the earth and the mishap happened.

5.Considering the said fact that eventhough the victim will have the right to claim compensation before the appropriate forum, this may be an appropriate case, where the Court can enlarge the petitioner on anticipatory bail and on considering the submissions made by the learned counsel for the petitioners that without prejudice to the rights on behalf of each of the petitioners, a sum of Rs.25,000/- will be paid to the father of the deceased, this Court is inclined to enlarge the petitioners on anticipatory bail with certain conditions:

6.As undertaken given by them, the petitioners shall pay a sum of Rs.25,000/-

(Rupees Twenty Five Thousand only) each by way of G-pay or through banking

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transaction to the father of the deceased either get a signed receipt or file a proof before the trial court, without prejudice to their rights and contentions.

7. On filing of such receipt/proof, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Avudaiyarkoil, Pudukkottai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A BNS.

sd/-
07/08/2024

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

SJI

TO

1 THE JUDICIAL MAGISTRATE
AVUDAIYARKOCIL,
PUDUKOTTAI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.



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3. THE INSPECTOR OF POLICE
AVUDAIYARKOIL POLICE STATION,
PUDUKOTTAI DISTRICT,

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

+1 CC to M/s.S.PRAGADEESWARAN, Advocate (SR-9589[I] dated 07/08/2024)

ORDER
IN

CRL OP(MD) No.12829 of 2024
Date :07/08/2024

PSP/GS/SAR /20.08.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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