



CRL OP(MD). No.14098 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/09/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Arivalagan

2. Nagarpandi

... Petitioners/ Accused No. 2 & 3

Vs

The Inspector of Police,
Kallikudi Police Station,
Madurai District.
Crime No.109 of 2024.

... Respondent/Complainant

For Petitioner : Mr.S. Prabhu, Advocate
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime no.109 of 2024 on the file of the Respondent



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ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.109 of 2024, for the offence punishable under Sections 294(b), 323, 353 and 506(ii) IPC and Section 4 of TNPHW Act, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a woman Constable. The accused have attacked the defacto complainant using bottles and abused her using filthy language. Hence, the case.

3.This is the third application filed by the petitioners seeking the very same relief. In this case, the defacto complainant is a woman Police Constable, who was on patrol duty on 20.05.2024 and found that the petitioners consuming liquor, which was questioned by her, for which, the petitioners have abused her and also attempted to attack her.

4.Considering the nature of allegation, this Court was not inclined to entertain the earlier applications in Crl.O.P(MD)Nos.9305 and 11283 of 2024 and the same were dismissed.

5.Though this Court has taken a serious view on the conduct of the petitioners in abusing a police officer on duty, the Police Department has not shown any interest in securing the petitioners even after the dismissal of the earlier applications. Since



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the respondent police has not taken any action to secure the accused and the applications are filed repeatedly, this Court in order to find a solution, has suggested the petitioners to go and take apology from the defacto complainant.

6.The petitioners claim that they went to the defacto complainant and tendered their apology. However, the same was not accepted by her.

7.Since the respondent police is incapable of securing the petitioners even after the incident said to have taken place as against their own staff and the petitioners are also repeatedly filing applications and in order to save the time of this Court, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned learned Judicial Magistrate on condition that

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam, Madurai District.

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence

address;

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(iii) The petitioners shall appear before the respondent police as and when required for interrogation. They have to co-operate for the investigation.

(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
02/09/2024

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/ 09 / 2024

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

LR

TO

1 THE JUDICIAL MAGISTRATE
THIRUMANGALAM,
MADURAI DISTRICT.

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

3 THE INSPECTOR OF POLICE
KALLIKUDI POLICE STATION,
MADURAI DISTRICT.

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

COPY TO
THE INSPECTOR OF POLICE,
SOUTHERN ZONE,
MADURAI.

+1 CC to M/s.S.PRABHU, Advocate (SR-10837[I] dated 04/09/2024)

ORDER
IN
CRL OP(MD) No.14098 of 2024
Date :02/09/2024

PSP/ SG /SAR /13.09.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023