



CRL OP(MD). No.14322 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/08/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.14322 of 2024

Gnanasundar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Bodinayakannur Town Police Station,
Theni District.
(Crime No.131 of 2024.)

... Respondent/Complainant

For Petitioner : M/s.Jeyamohan K Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.131 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b),323, 324 and 506(ii),



CRL OP(MD). No.14322 of 2024

435 and 109 of IPC in Crime No.131 of 2024, on the file of the respondent police,
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seeks anticipatory bail.

2.The allegation as against this petitioner is that the petitioner has caused nuisance in his locality, which was objected by the defacto complainant. For having objected, the petitioner has engaged A2 and A3 and set fire on the two wheelers of the defacto complainant. On the complaint lodged by the defacto complainant, the respondent police have identified A2 and A3 from the CCTV footage available in the defacto complainant's house and arrested them. Thereafter, on the confession statements of A2 and A3, the petitioner has been implicated in this case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not involved in the alleged offence of setting fire on the two wheelers of the defacto complainant by A2 and A3. He further submits that the respondent police has arrayed this petitioner as an accused in this case, based on the confession statements of A2 and A3. According to the learned counsel, there is a dispute between the petitioner and the defacto complainant and in fact, the defacto complainant has assaulted the petitioner, for which, a criminal case has been registered as against the defacto complainant in Crime No.240 of 2024, for the offences punishable under Sections 294(b), 342, 324, 506(i) and 379 of IPC. The learned counsel further submits that to show his bonafide, the petitioner is prepared



CRL OP(MD). No.14322 of 2024

to deposit a sum of Rs.50,000/- to the credit of Crime No.131 of 2024.

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4.The learned Government Advocate (Crl.side) appearing for the respondent police strongly objects for grant of anticipatory bail to this petitioner that after dismissal of the earlier application on 04.06.2024, there is no change in circumstances.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The two wheelers of the defacto complainant were set fire on 23.04.2024 by some miscreants, for which, a complaint was lodged by him on 24.04.2024. The respondent police has fixed the accused 2 & 3, through the CCTV footage available in the defacto complainant's house. Thereafter, based on the confession statements of A2 and A3, this petitioner has been implicated that on his instigation only, A2 and A3 have set fire on the defacto complainant's two wheelers. The learned counsel for the petitioner claims that the defacto complainant is having a motive as against this petitioner and has assaulted him, for which, a criminal case has been registered as against the defacto complainant. The petitioner has also come forward to deposit a sum of Rs.50,000/- to the credit of Crime No.131 of 2024. Though this Court has dismissed the earlier application filed by this petitioner on 04.06.2024, the respondent police has not secured the petitioner.



CRL OP(MD). No.14322 of 2024

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7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Bodinaickanur, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinaickanur, Theni and on further conditions that:

- i. The petitioner 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;
- ii. The petitioner shall appear before the respondent police daily at 10.30 a.m, until further orders.
- iii. The petitioner shall deposit a sum of Rs.50,000/- to the credit of Crime No.131 of 2024. The concerned Judicial Magistrate shall disburse the amount either under Section 395 of BNSS (Section 357 of Cr.P.C) or under Section 498 of BNSS (452 of Cr.P.C.)



CRL OP(MD). No.14322 of 2024

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iv. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.

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

sd/-
30/08/2024

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/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

To

1.The Judicial Magistrate,
Bodinaickanur, Theni.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.



CRL OP(MD). No.14322 of 2024

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-10710[I] dated 02/09/2024)

ORDER
IN
CRL OP(MD) No.14322 of 2024
Date :30/08/2024

ED/ SG /SAR- (05/09/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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