



CRL OP(MD). No.14313 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14313 of 2024

1. Karupaiah

2. Amudhavalli

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Karimedu Police Station,
Madurai City.
Crime No.422/2024.

... Respondent/Complainant

For Petitioner : M/s.Jegadeesha Pandian.V.M, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.422/2024 on the file of the respondent Police.



CRL OP(MD). No.14313 of 2024

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2) and 351 (3) of BNS, in Crime No.422 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners have not allowed the defacto complainant to survey the subject property and also quarrelled with him. Hence, the complaint.

3.The learned Counsel for the intervenor would strongly oppose to grant anticipatory bail to the petitioners by saying that in spite of the civil Court holding in his favour, still the petitioners are interfering and are indulging in the offenses.

4.Heard the learned counsel on either side and perused the material records of the case.

5.Considering the facts and circumstances of the case, considering the nature of allegations between the parties and also considering the fact that the parties' rights will be determined as per the civil court decree this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



CRL OP(MD). No.14313 of 2024

WEB COPY

6. Accordingly, this Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-V at Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 three weeks;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD). No.14313 of 2024

(d) the petitioners 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 petitioners 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 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.

(*) 6(g) the petitioners shall also file an affidavit of undertaking that they will strictly abide by the judgments of the civil Courts in O.S.No. 82 of 2004 and A.S.No.176 of 2009.

sd/-
30/08/2024

(*) Corrected as per the order of this Court dated 19/09/2024 made in Crl.O.P.(MD) No.14313 of 2024
/ TRUE COPY /

/10/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.14313 of 2024

TO

(*) To be substituted to the order already despatched on 30/08/2024

1 THE JUDICIAL MAGISTRATE NO.V
MADURAI.

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

3 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-10743[I] dated
02/09/2024)

ORDER

IN

CRL OP(MD) No.14313 of 2024

Date :30/08/2024

SS/VR/SAR- /12/09/2024/5P/6C

PSP/ VR /SAR /04.10.2024/ 5P/ 6C

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