



CRL OP(MD). No.14855 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Xavier
2. Pauline Xavier
3. Antony Daniel Xavier ... Petitioners/ Accused Rank not Known

Vs

The Inspector of Police,
Thevaram Police Station,
Theni District.
Cr.No.Not Known of 2024 ... Respondent/Complainant

For Petitioners : Mr.S.Muniyandi,
Advocate.

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

For Intervenor : Mr.T.Lenin Kumar, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.Not Known of 2024 on the file of the
Respondent police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

Even though these petitioners had filed this petition as crime No. Not Known, the case is registered in Crime No.158 of 2024 for the offences punishable under Sections Sections 296(b), 115(2), and 349 (*)**351(2)** of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

2. The case of the prosecution is that due to land dispute between the parties, the petitioners are said to have abused the defacto complainant in filthy language and also assaulted her and caused injury. Hence, the complaint.

3. The learned Counsel appearing for the intervenor would oppose the grant of anticipaory bail on the ground that the petitioners prevented the defacto complainant from repaying the loan and also attacked the defacto complainant's daughter-in-law.

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

5. Considering the nature of allegations that the occurrence happened due to a family dispute, considering the fact that the injured was treated only as an out-patient and also considering the fact that there are no bad antecedents against the petitioners, I am inclined to enlarge the petitioners on anticipatory bail with certain conditions.

6. Accordingly, this Petition is allowed and the petitioners are ordered to be



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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 District Munsif cum Judicial Magistrate, Thevaram, Theni District, 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 a.m., for a period of two weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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;

(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



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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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/09/2024

**(*)AMENDED AS PER ORDER OF THE COURT
DATED 29/10/2024 in CRL MP(MD)Nos.11650 &
11653 of 2024 in CRL OP(MD).14855 of 2024.
FURTHER TIME FOR EXECUTING SURETIES IS
EXTENDED FOR A PERIOD OF ONE WEEK
FROM THE DATE OF RECEIPT OF A COPY OF
THIS ORDER.**

/ TRUE COPY /

/11/2024

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

JBR
TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 05/09/2024 ALREADY
DESPATCHED.**

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THEVARAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION,
THENI DISTRICT.

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

+2 CC to M/s.S.MUNIYANDI, Advocate (SR-13333,13334[I] dated 29/10/2024)

ORDER
IN
CRL OP(MD) No.14855 of 2024
Date :05/09/2024

SA/JGB/SAR. /01.10.2024/5P/6C

TRP

SS/SKN/SAR /06/11/2024/ 5P / 7C

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