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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). Nos.15798 and 15831 of 2024

Mathiazhahan

... Petitioner/ Accused No.1
in crl.O.P(MD).No.15798/24

Ravichandran

... Petitioner/ Accused No.2
in crl.O.P(MD).No.15831/24

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thathaiyangarpet Police Station,
Trichy District.
(Crime No. 127 of 2024).

... Respondent/Complainant
in both the petitions

For Petitioner in both cases : Mr.K Arunraj,
Advocate.

For Respondent in both cases : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION's FOR ANTICIPATORY BAIL Under Sec. 482 BNSS



PRAYER:-

For Anticipatory Bail's in Crime No. 127 of 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 police for the offences punishable under Section 420 IPC in Crime No.127 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant, who is the father of the petitioners had executed a settlement deed in favour of them and thereafter, they are not taking care of him and also stolen the jewels from his house. Hence, the case.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

4. Considering the nature of allegations that the complaint is given by the



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father by stating that the maintenance order as made by the competent authority under the Maintenance of Senior Citizens Act is not been paid and considering the arguments of the learned Counsel for the petitioners that the petitioners have been periodically paying by depositing into the bank account of the de facto complainant bearing number 05440100013485 and he undertakes that the petitioners will pay the maintenance amount continuously, I am inclined enlarge the petitioners on anticipatory bail.

5. Accordingly, 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 learned Judicial Magistrate, Thuraiyur, 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) As per the undertaking before this Court, the petitioners shall continue to deposit the maintenance amount in the defacto complainant's account.



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(c) the petitioners shall report before the respondent police daily at 10.30 am for a period of one week and thereafter, as and when required for interrogation;

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]*; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/09/2024

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/10/2024

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

TRP



TO
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- 1 THE JUDICIAL MAGISTRATE,
THURAIYUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THATHAIYANGARPET POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.K.ARUNRAJ, Advocate (SR-11599,11598 [I] dated 23/09/2024)

ORDER
IN
CRL OP(MD). Nos.15798 and 15831 of 2024
Date :20/09/2024

SS/JGB/SAR- /10/10/2024/5P/7C

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