



CRL OP(MD). No.16265 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16265 of 2024

1. Joseph Manickam,

2. Muthiah,

... Petitioners/ Accused No.1 & 2

Vs

The State of Tamil Nadu,
The Inspector of Police,
Kallal Police Station,
Sivagangai District,
Crime No. 156/2024.

... Respondent/Complainant

For Petitioner : M/s. Banumathy. A
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS/438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.156 of 2024 on the file of the Respondent police



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ORDER: The Court made the following order :-

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The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 351(2) of BNS (u/s 294(b), 323 and 506(ii) of IPC), in Crime No.156 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel that arose between the parties, due to which, the petitioners abused the defacto complainant in filthy language and attacked him and also threatened him with dire consequences.

3.Eventhough the matters were dictated in open court on the ground that the injured was still in the hospital, immediately after dictation, the learned counsel mentioned and therefore, the said the order was not typed and the matter is listed today under the caption "for being mentioned".

4.Today when the matter came up for hearing, it is seen that the injured has been discharged from the hospital.



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5. In view thereof, considering the nature of allegation that there was a wordy quarrel on account of previous enmity and that the injured discharged from the hospital and the first petitioner alone having one previous case and the second petitioner not having any other antecedents, I am inclined to enlarge the petitioners on anticipatory bail, with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Karaikudi, Sivagangai 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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.



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[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/09/2024

/ TRUE COPY /

/10/2024

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

SJI



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TO
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- 1 THE JUDICIAL MAGISTRATE
KARAIKUDI, SIVAGANGAI DISTRICT.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KALLAL POLICE STATION,
SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.BANUMATHY, Advocate (SR-11985[I] dated 01/10/2024)

ORDER
IN
CRL OP(MD) No.16265 of 2024
Date :30/09/2024

SS/MMS/SAR- /16/10/2024/5P/6C

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