



CRL OP(MD). No.17041 of 2024

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

Date : 04/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY
CRL OP(MD). No.17041 of 2024

1. Nallamani

2. Pandiyammal

(Wrongly mentioned in FIR as Priya)

... Petitioners/ Accused No.3 & 4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Theni Police Station,
Theni, Theni District.
(Crime No. 435/2016.)

... Respondent/Complainant

For Petitioners : M/s Velmurugan.R, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- To enlarge the petitioners on bail in the event of their arrest in C.C No. 532/2022 on the file of the learned Judicial Magistrate, Theni, Theni district.

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 406, 420, 294(b), 506(ii) IPC, in C.C.No.532 of 2022 in Crime No.435 of 2016, seek anticipatory bail.



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2.The case of the prosecution is that the accused persons have promised the defacto complainant that they would arrange a government job and received a sum of Rs.2,20,000/-. However they did not arrange any job. Therefore, the defacto complainant asked them to return the said amount, for which, the accused Nos.1 and 2 have abused him using filthy language and threatened him with dire consequences. Hence, the complaint.

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

4.Considering the nature of allegations and considering the fact that it is a case of the year 2016 and the charge sheet having been filed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.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 at Theni, 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:



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(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 attend the trial without fail.

(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 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.

sd/-
04/10/2024

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



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To

1.The Judicial Magistrate,
Theni, Theni District.

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

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

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

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-12292[I] dated 07/10/2024)

ORDER

IN

CRL OP(MD) No.17041 of 2024

Date :04/10/2024

ED/ VR /SAR- (17/10/2024) 4P / 6C

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