



CRL OP(MD). No.17304 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K.RAJASEKAR

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1. Manikandan @ Subramanian,

2. Subash,

... Petitioners/ Accused 1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.
Crime No. 378/2024.

... Respondent/ Complainant

For Petitioner : Mr.S.Sathyachidambaram,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No. 378 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/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 132 and 351(2) of BNS in Crime.No.378 of 2024, seek anticipatory bail.

2.The case of the prosecution is that on 03.10.2024 at about 19.25 hours, when the respondent police were engaged in the routine vehicle checkup patrol duty, the petitioners went in a bike without number plate and when the police tried to stop them, they escaped. Thereafter, they voluntarily came to the spot and abused the police officials and made life threat. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the police have lodged a false complaint against the petitioners and they are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he prays for granting anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioners intimidated the police and also attacked themselves and tried to prevent the police officials from executing their duties. He further submitted that the first petitioner is having one previous case and the second petitioner is having four previous cases, in which two cases are still pending which



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relates to Section 307 of IPC.

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5. Since there are four previous cases against the second petitioner, this petition is dismissed as against the second petitioner.

6. Insofar as the first petitioner is concerned, considering the nature of allegation and the facts and circumstances of the case, I am inclined to enlarge the first petitioner on anticipatory bail with certain conditions.

7. Accordingly, this Criminal Original Petition is partly allowed and the first petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamudram, Tirunelveli District on condition that the first petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, 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 first petitioner 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 first petitioner shall report before the Judicial Magistrate Court, Ambasamudram, Tirunelveli District, daily at 10.30 am, until further orders;



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

(d)the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/10/2024

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

MR
TO
1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION, TIRUNELVELI DISTRICT.

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



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

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-12372[I] dated
14/10/2024)

ORDER
IN
CRL OP(MD) No.17304 of 2024
Date :09/10/2024

SA/MMS/SAR. /16.10.2024/5P/6C

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