



CRL OP(MD). No.17797 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). Nos.17797 and 17717 of 2024

Esakkimuthu

... Petitioner/ Accused No.8

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01. Sankara Subbu

02. Mariappan

... Petitioner/ Accused No. 12 & 13

CRL OP(MD). No.17717 of 2024

Vs

State of Tamilnadu,
Rep. By, the Inspector of Police,
Thattaparai Police Station,
Thoothukudi District,
In Cr.No.58/2024..

... Respondent/Complainant
in both petitions

(In Both Petitions)

For Petitioners : M/s.K.Suyambulingabharathi, Advocate.

For Respondent : Mr.A.Albert James,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

COMMON PRAYER :-

For Anticipatory Bail in Crime No.58 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, 118(1), 192, 351(3) of BNS, 2023 and Section 4 of TNPPDL Act, in Crime No.58 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners herein have attacked the defacto complainant and also abused him in filthy language. Hence, the case.

3. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) appearing for the respondent Police and perused the materials available on record.

4.Considering the nature of allegations in this case that the petitioners said to have indulged in rioting and attacking inside the prison and the occurrence is said to have happened on 8/9/2024 and the FIR was also registered, even thereafter for a period of 30 days the petitioners were all in the same prison, but however, the petitioners were not arrested, I am inclined to 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



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receipt of a copy of this order, before the learned Judicial Magistrate, Ottapidaram, Thoothukudi 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 stay at Chennai and report before the Inspector of Police, Thirumangalam Police Station daily at 7.30 pm for a period of three weeks and thereafter, as and when required for interrogation before the respondent Police;

(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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
18/10/2024

/ TRUE COPY /

/ 11 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE
OTTAPIDARAM, THOOTHUKUDI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE,
THATTAPARAI POLICE STATION, THOOTHUKUDI DISTRICT,

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

COPY TO

THE INSPECTOR OF POLICE
THIRUMANGALAM POLICE STATION,



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+1. CC to K.SUYAMBULINGABHARATHI Advocate SR.No.12680(I) dated 18/10/2024

+1. CC to K.SUYAMBULINGABHARATHI Advocate SR.No.12681(I) dated 18/10/2024

ORDER
IN
CRL OP(MD). Nos.17797
and 17717 of 2024
Date :18/10/2024

PSP/ JGB /SAR /07.11.2024/ 5P/ 8C

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