



CRL OP(MD). No.18241 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18241 of 2024

Kinshon Johnnayagam
(Wrongly mentioned in FIR
as Kingston)

...Petitioner/ Accused No.10

Vs

The State rep. By
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
(Crime No.346 of 2024) ... Respondent/Complainant

For Petitioners : M/s.T.Lajapathi,
Senior Advocate
for M/s.T.Seeni Syed Amma

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



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.346/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused no.10, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 329(4), 126(2), 296(b), 109(1) and 351(3) of BNS, 2023, in Crime No.346 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have been present along with the mob where the prime accused stabbed the deceased and caused death and also attacked another witness who suffered serious injuries. Hence, the complaint.

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



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4. Considering the nature of the allegations in this case that the petitioner is said to have been present along with the mob where the prime accused stabbed the deceased and caused death and also attacked another witness who suffered serious injuries and several other persons were alleged to have been part of the mob and considering the argument of the learned senior counsel for the petitioner that the petitioner was not at all present in the mob and he was in Madurai and on such submission, when the Court directed the petitioner to surrender his mobile phone, from the call details, it is now seen that the petitioner's location being shown to Madurai and several other calls have also been incoming as well as outgoing at the relevant date and time also and only considering the fact that the petitioner being an activist, helping the land owners to retrieve their property from the company and also supporting them to get cultivating tenancy and other certificates, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Judicial Magistrate No.I, Tirunelveli**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the



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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 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 petitioner 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 the interrogation.

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

(d) the 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



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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/-
28/10/2024

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

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TO

1. The Judicial Magistrate No.I,
Tirunelveli.
- 2.Do-Through,
The Chief Judicial Magistrate,
Tirunelveli.
- 3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.



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

+1 CC to M/s.T.SEENI SYED AMMA, Advocate (SR-13343[I] dated 29/10/2024)

ORDER
IN
CRL OP(MD) No.18241 of 2024
Date : 28.10.2024

SI/MMS/ **-(15.11.2024) 6P/ 6C**

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