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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 25.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.18483 of 2024

1. Senthamarai @ Senthamarai Kanna
2. Rajkumar
3. Alagar @ Alagarsamy

... Petitioners/ A1 to A3

Vs

The Inspector of Police,  
Kalaiyarkovil Police Station,  
Sivagangai District.  
Crime No.427 of 2024

... Respondent/ Complainant

For Petitioners: Mr.A.Mohan  
Advocate.

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

PRAYER :- For Anticipatory Bail in Crime No.427 of 2024 on the file of the Respondent police.

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 126(2), 118(1), 115(2), 351(3) of BNS, 2023, in Crime No.427 of 2024, seek anticipatory bail.

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



2.The case of the prosecution is that due to property dispute between the parties, the petitioners have waylaid the defacto complainant and also assaulted him and caused injury. Hence, the complaint.

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

4.Considering the nature of allegation in this case that on account of previous motive as against the neighbour, the petitioners are said to attacked the defacto complainant and caused injuries and that the injured was from the hospital, 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 No.I, Sivagangai, 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 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. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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]*; and;

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

sd/-

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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

jbr



1. The Judicial Magistrate No.I,  
Sivagangai.

2.Do Through  
The Chief Judicial Magistrate No.I,  
Sivagangai.

3.The State Rep.by.  
The Inspector of Police,  
Kalaiyarkovil Police Station,  
Sivagangai District.

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

CRL OP(MD) No.18483 of 2024  
Date :25/10/2024

KVL/14.11.2024 4P/5C

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