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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.18975 of 2024

1.Mubarak

2.Sheeja

... Petitioners/ Accused No.2 & 5

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Government Hospital Police Station,
Tiruchirappalli District.
(Crime No.654 of 2024)

... Respondent/Complainant

For Petitioner : M/s.C.Suresh Kannan,
Advocate

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

For Intervenor : Mr.K.Arunraj

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

PRAYER :-

For Anticipatory Bail in Crime No.654/2024 on the file of the respondent police.



ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 191(2), 296(b), 115(2), 118(2), 324(4), 351(2) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.654 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was previous dispute between the parties and on the date of occurrence, the defacto complainant and others are said to have been attacked by the accused persons and they sustained injuries. Hence, the case.

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

4. The learned Government Advocate (Criminal Side) submitted that the case and counter case have been registered in Crime Nos.654 and 655 of 2024 and it is under investigation. The defacto complainant and others sustained simple injuries and they have been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also the fact that the injured persons have already been discharged from the hospital and it involves a case and counter case and there are no bad antecedents against the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.



6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate cum Additional Mahila Court, Tiruchirappalli, on condition that the petitioners 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 satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition 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 as and when required for interrogation;

[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/-
04/11/2024

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/ /2024

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

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TO

1. The Judicial Magistrate cum
Additional Mahila Court,
Tiruchirappalli.
2. Do Through
The Chief Judicial Magistrate,
Tiruchirappalli.
3. The State of TamilNadu,
Rep.by.The Inspector of Police,
Government Hospital Police Station,
Tiruchirappalli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-13565[I] dated 04/11/2024)



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CRL OP(MD) No.18975 of 2024

Date :04/11/2024

KVL/15.11.2024 5P/6C

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