



CRL OP(MD). No.19027 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. Karuppasamy,
2. Thavamani,

... Petitioners/ Accused Nos.1 and 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Melavalu Police Station,
Madurai District.
Crime No. 205 of 2024..

... Respondent/ Complainant

For Petitioners : Mr.S Ayyanar Prem Kumar,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.205 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 329(3), 296(b), 115 (2),

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



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118(1), 351(3) of BNS, 2023 in Crime No.205 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a previous enmity between the defacto complainant and the accused persons and that on 17.09.2024, the defacto complainant was attacked by the accused persons and he sustained grievous injuries and he was admitted in the hospital. There are totally four accused persons in this case and the petitioners have been arrayed as Accused Nos.1 and 2.

3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

4. Taking into consideration the facts and circumstances of the case and also of the fact that the injured person has already been discharged from the hospital and there are no bad antecedents against the petitioners and there was a previous enmity between the parties, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai 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,



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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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[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 petitioner in accordance 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;



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[f] if the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-

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

TSG

TO

1. The Judicial Magistrate,
Melur, Madurai District.
2. Do through
The Cheif Judicial Magistrate,
Madurai.
3. The Inspector of Police,
Melavalu Police Station,
Madurai District. Crime No. 205 of 2024..
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.19027 of 2024
Date : 05/11/2024

SL(25.11.2024)/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.