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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19117 of 2024

1. Harish @ Harishkumar

2. Solaimani

... Petitioners/1 & 9 Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thiruppathur Town Police Station,
Sivagangai District.
Crime No. 197/2024.

... Respondent/Complainant

For Petitioners : M/S.A.ARUL JENIFER

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.197 of 2024 on the file of the respondent police



ORDER : The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351 (3) of BNS Act in Crime No.197 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his friends went to the village of the accused persons and started questioning as to why they had attacked the friends of the defacto complainant, as a result, there was a wordy quarrel and the accused persons are said to have attacked the defacto complainant and others. Hence, three persons sustained injuries. There are totally nine accused persons and the petitioners have been arrayed as A4 and A9.

3. The learned Government Advocate (Criminal side) appearing for the respondent submitted that totally three FIRs were registered in this case for the incidents that took place one after another. The first FIR was registered in Cr.No.142 of 2024 on the file of Thirukostiyur Police Station, the second FIR was registered in Cr.No.196 of 2024 on the file of Tirupathur Police Station and third FIR was registered in Cr.No.197 of 2024 on the file of the respondent police. He further submitted that there are no previous cases against the petitioners and the injured



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4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

5. Taking into consideration of the facts and circumstances of the case and the manner in which, the incident taken place and considering the fact that there are no previous cases against the petitioners and the injured persons have already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this criminal original petition is ordered and 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, Thiruppathur, 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 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.



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[b] 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.

[c] the petitioners shall report before the respondent police every Friday at 05.30p.m., for a period of 4 weeks, thereafter, as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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;



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[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/11/2024

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUPPATHUR TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.19117 of 2024
Date :13/11/2024

MGJ(25.11.2024) 6P 5C

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