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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19132 of 2024

1. Nanthakumar,

2. Selvakumar,

3. Balakrishnan, ... Petitioners/Accused No.
(rank not known)

Vs

The State of Tamilnadu,
Represented by
Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
(Crime No. 159/2024).

... Respondent/Complainant

For Petitioners : Mr.P.Veerapandi,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :-
For Anticipatory Bail in Crime No. 159 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 191(2), 191(3), 281, 296(b), 126(2), 118 (1), 49, 351(3) of BNS Act and Section 4 of TNPWH Act in Crime No. 159 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a cultural programme conducted on 31.10.2024, at which point of time, the accused persons are said to have quarreled with the defacto complainant after consuming alcohol. The same was questioned. As a retaliation, they came back and attacked the defacto complainant and he sustained grievous injuries. There are totally 11 accused persons in this case and the petitioners have been arrayed as Accused No.1, 3 and 5.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

4. Taking into consideration the facts and circumstances of the case and the

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manner in which the incident had taken place and also of the fact that there are no previous cases against the petitioners and the injured was only treated as an out patient and that a case and counter case was registered in Crime Nos.158 and 159 of 2024, hence, this Court is 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 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 District Munsif cum Judicial Magistrate, Kariyapatti, on condition that the petitioner 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.

[b] the petitioners shall report before the respondent police as and when required for interrogation;

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[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;

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

sd/-
07/11/2024

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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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TSG
TO
1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, KARIYAPATTI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR

3.THE INSPECTOR OF POLICE,
AVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-13709[I] dated 07/11/2024)

ORDER
IN
CRL OP(MD) No.19132 of 2024
Date :07/11/2024

RK/VR(21/11/2024) 5P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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