



CRL OP(MD). No.19874 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Madasamy

... Petitioner/Petitioner/
Accused No.3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Alangulam Police Station,
Tenkasi District.
Crime No. 426/2024.

... Respondent/Respondent/Complainant

For Petitioner : M/s. Karthick. R.J,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 426 of 2024 on the file of the
Respondent police.



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 318(4), 296(b), 351(3) of BNS altered into Sections 318(4), 296(b), 351(3) and 61(2)(b) of BNS, in Crime No.426 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 induced the defacto complainant to part with 183 grams of gold jewels by stating that he will cure the illness / bad omen of the family. A1 retained the jewellery, which was kept in a pot. This was given by A1 and A2 to A3, who is the petitioner herein, who was working in a Financial Company and he had sold the jewellery to A4 and A5. There are totally five accused persons and the petitioner is arrayed as A3.

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

4. The petitioner had filed two earlier anticipatory bail petitions before this Court and both the petitions were dismissed as withdrawn.



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5. This petition has been filed on the ground that A4 and A5 were granted anticipatory bail by the Sessions Court and A2 was also enlarged on bail.

6. Taking into consideration the facts and circumstances of the case and the overt act attributed against the petitioner and also considering the fact that A4 and A5, who purchased from the petitioner, have been granted anticipatory bail and A1 and A2 were arrested and A2 was also enlarged on bail and there are no previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Alangulam, on condition that the petitioner 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioner 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 petitioner shall appear before the respondent police daily at 05.30 pm, for a period of three weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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].



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

sd/-
18/11/2024

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Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

1. The Judicial Magistrate,
Alangulam.
2. Do-Through The Chief Judicial Magistrate,
Tenkasi District.
3. The Inspector of Police,
Alangulam Police Station, Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-14147[I] dated 18/11/2024)

ORDER
IN

CRL OP(MD) No.19874 of 2024
Date :18/11/2024

RK/ (23/11/2024) 5P / 6C

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