



CRL OP(MD). No.19527 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19527 of 2024

J Sathish

... Petitioner/ Accused No. 16

Vs

The State of Tamil Nadu,
Rep By,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Cr.No.386 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.J.Suresh,

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.386 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 191(2), 191(3), 49, 296(b), 126(2), 127(2), 103(1) and 351(3) of BNS (hereinafter referred to as new penal code) in Crime No.386 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that there was a previous dispute between A1 and the deceased four days prior to the occurrence. Hence, A1 is said to have approached the petitioner and based on the conversation he had with the petitioner, the incident is said to have taken place on 02.09.2024 at about 06.10 pm, whereby, the deceased was attacked by A1 to A11 and he was done to death.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. In the instant case, there are totally 18 accused persons and the petitioner has been arrayed as A16. The allegation against the petitioner is that the incident had taken place after the conspiracy was hatched by all the accused persons and particularly, the petitioner, who has been arrayed as A16.

5. The learned Senior Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner. The learned Senior Counsel brought to the notice of this Court the fact that the petitioner on coming to know that some untoward incident is going to take place, had in fact sent repeated messages to the Deputy Superintendent of Police, Tirunelveli on the very same day. Therefore, it was contended that if the petitioner was really a part of the conspiracy, there was no need for the petitioner to inform the Police.

6. The learned Additional Public Prosecutor appearing for the respondent

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police submitted that the investigation is pending and the petitioner has been added as an accused only based on the allegation against him in the complaint given by the defacto complainant. The learned Additional public Prosecutor further submitted that there are no previous cases pending against the petitioner.

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Radhapuram, Tirunelveli District, 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 said Magistrate, on further condition that:

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

[b] 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.



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

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

[e] the petitioner 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 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;

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

sd/-
01/10/2024

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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,
Radhapuram, Tirunelveli District.
2. Do through
The Chief Judicial Magistrate,
Tirunelveli
3. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.19527 of 2024
Date : 14/11/2024

SL(25.11.2024)/ 5P/ 5C

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