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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2024

PRESENT

The Hon`ble Mr.Justice **N.ANAND VENKATESH**

CRL OP(MD). No.19559 of 2024

1. Parimalam

2. T.Annadurai

... Petitioners/ Accused Nos.3 & 4

Vs

The State of Tamil Nadu,
Rep. By,
The Inspector of Police,
Vadakadu Police Station,
Pudukottai District.
(Crime No.189 of 2024).

... Respondent/Complainant

For Petitioner : M/s.Kamesh.N, Advocate.

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.189 of 2024 on the file of the Respondent Police.



ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 296(b), 118(1) and 351(ii) BNS (hereinafter referred to as new penal code) in Crime No.189 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and A4 are neighbours. The accused persons are said to have cultivated R.S.Pathy plants and the defacto complainant asked him not to cultivate the plants since it will destroy the soil. This paved way for a wordy quarrel and the defacto complainant was attacked indiscriminately and he was also threatened with dire consequences.. There are totally four accused persons in this case and the petitioners have been arrayed as A3 and A4.

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

4. Taking into consideration the facts and circumstances of the case and the manner, in which, the entire incident had taken place and considering the fact that the injured has been discharged from the hospital and the first petitioner (A3) has three previous cases and the second petitioner (A4) has one previous case and also considering the fact that A1 and A2 were arrested and later enlarged on bail, this

Court is inclined to grant anticipatory bail to the petitioners. 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Alangudi**, on condition that the petitioners 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[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 first petitioner (A3) shall report before the respondent police every Monday and Friday for a period of eight weeks and thereafter, as and when required for interrogation.

[d] the second petitioner (A4) shall appear before the respondent police as and when required for interrogation.

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

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



[g] 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;

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

sd/-
15/11/2024

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

LR
TO

1. The Judicial Magistrate,
Alangudi.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. The Inspector of Police,
Vadakadu Police Station,
Pudukottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.19559 of 2024
Date :15/11/2024

MK/25.11.2024 4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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