



CRL OP(MD). No.19624 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.G.Kala

2.V.A.Ganesan

... Petitioners / Accused 1 & 2

Vs

The State of Tamil Nadu
Represented by the Sub-Inspector of Police,
Palanichettypatti Police Station,
Theni-625531.
(Crime No.445 of 2024)

... Respondent/Complainant

For Petitioners: Mr.G.Baskaran, Advocate

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

For Intervenor : Mr.A.Udhayakumar, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 445 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420, 465, 467, 468, 471 and 120(B) of IPC, in Crime No.445 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons were restricting the defacto complainant from using the pathway which was under use for a very long time. A civil suit was also instituted, at which point of time, a document was produced as if licence was given exclusively in favour of the accused persons. Later, it came to light that this document is a fabricated document. There are totally 4 accused persons in this case and the petitioners have been arrayed as A1 and A2.

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

4. Taking into consideration the facts and circumstances of the case and considering the fact that there was a civil dispute between the parties and the document that was relied upon by the accused persons is now plying to be a fabricated document and this document was already relied upon before the competent civil court, no custodial interrogation required in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of



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arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Theni, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioners shall appear before the respondent Police as and when required for interrogation.

[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 petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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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 269 of BNS, 2023. IPC.

sd/-
22/11/2024

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/ 12 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE, THENI.

3 THE SUB-INSPECTOR OF POLICE,
PALANICHETTYPATTI POLICE STATION,
THENI - 625531.

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

ORDER
IN
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PSP/ VR /SAR /06.12.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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