



CRL OP(MD). No.19649 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

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Sundharam

... Petitioner/ Accused No.1

Vs

State Rep By,
The Inspector of Police,
South Police Station,
Thoothukudi, Thoothukudi District
(In Crime No.613/2024).

... Respondent/Complainant

For Petitioner : M/s.R.Venkatesalu, Advocate
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.613/2024 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 329(4), 296(b), 115(2), 351(3) of BNS (hereinafter referred to as new penal code) and Section 3 (1) of TNPPDL and Section



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4 of TNPHW Act in Crime No.613 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a property dispute between the defacto complainant and A1. The defacto complainant is the sister-in-law of A1. On 05.11.2024, the accused persons are said to have trespassed into the house of the defacto complainant and scolded her in filthy language and also caused damage to the CCTV camera and other household articles.. There are totally two accused persons in this case and the petitioner has been arrayed as A1.

3.It is represented that the offence under Section 296(b) of new penal code has been wrongly mentioned as Section 296(2) of new penal code.

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

5. Taking into consideration the facts and circumstances of the case and the property dispute between the parties and also considering the fact that there are no previous cases pending against the petitioner, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I,



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Thoothukudi, 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.

[c] the petitioner shall report before the respondent police 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;



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

sd/-
14/11/2024

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

LR

To

- 1.The Judicial Magistrate No.I,
Thoothukudi.
 - 2.Do through the Chief Judicial Magistrate,
Thoothukudi District.
 - 3.The Inspector of Police,
South Police Station,
Thoothukudi, Thoothukudi District.
 - 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.VENKATESALU, Advocate (SR-14004[I] dated 14/11/2024)

ORDER
IN
CRL OP(MD) No.19649 of 2024
Date :14/11/2024



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