



CRL OP(MD). No.19869 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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1.V.R.Siva Ganesh

2.V.R.Gowthaman

3.V.Raja

... Petitioners / Accused Nos.1 to 3

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No.316 of 2024)

... Respondent/Complainant

For Petitioners : Mr.C.Abul Kalam Azad,
Advocate

For Respondent : Mr.A.Albert James,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.



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PRAYER:-

For Anticipatory Bail in Crime No.316/2024 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 offences under Sections 118(1), 296(b), 329(3), 115(2) and 351(2) of BNS, in Crime No.316 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 09.11.2024, the accused persons trespassed into the property of the defacto complainant and attacked him with wooden log and also verbally abused in filthy language and threatened him with dire consequences.

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 also considering the fact that there was already a civil dispute pending between the



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parties and the injured was only treated as out-patient and there are no previous cases against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Uthamapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two common 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] 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 report 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;



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[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 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

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
18/11/2024

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/11/2024

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

PAL

TO

- 1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT



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

+1 CC to M/s.C.ABUL KALAM AZAD, Advocate (SR-14132[I] dated 18/11/2024)

ORDER
IN
CRL OP(MD) No.19869 of 2024
Date :18/11/2024

SS/VR/SAR- /25/11/2024/ 5P/6C

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