



CRL OP(MD). No.21150 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Sathish

... Petitioner / Accused
Rank Not Known

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
(Crime No.298 of 2024)

... Respondent/Complainant

For Petitioner : Mr.S.Vishnuvardhan,
Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 298 of 2024 on the file of the respondent police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 304 of BNS, in Crime No.298 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons waylaid the defacto complainant and threatened him and took away the mobile phone worth Rs.10,000/- from the defacto complainant. There are 2 accused persons in this case and the petitioner has been arrayed as A2.

3. This is the second anticipatory bail petition filed by the petitioner and the first petition was dismissed as withdrawn in CrI.OP(MD).No.18064 of 2024 by order dated 23.10.2024.

4. The learned Government Advocate (Criminal Side), on instructions, submitted that the petitioner has 3 previous cases and one case is similar to the case in hand. He further submitted that A1 was arrested in this case.

5. The learned counsel for the petitioner submitted that yet another FIR was

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registered against the petitioner in Crime No.439 of 2024 for an alleged occurrence on 25.08.2024 and in that case, the petitioner was arrested and remanded to judicial custody on 04.09.2024. He remained inside the jail till 25.09.2024 when the petitioner was enlarged on bail by the learned Principal Sessions Judge, Thoothukudi. He further submitted that the present incident is said to have taken place on 26.08.2024 which is one day after the other incident for which FIR was registered in Crime No.439 of 2024. He further submitted that even when the petitioner was in judicial custody in the other case, no steps were taken to arrest the petitioner in this case. Whereas, now attempt is being made to arrest the petitioner in the present case.

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

7. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner was not taken to judicial custody when he was already inside jail in another case in Crime No.439 of 2024 and A1 has already been arrested in this case and the mobile phone has also been seized and taking note of the previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioner shall report before the learned Judicial Magistrate No.III, Thoothukudi daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner 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 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].

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

sd/-
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/12/2024

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

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TO

1. THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.



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3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.21150 of 2024
Date :03/12/2024

RK/SKN (06/12/2024) 6P / 5C

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