



CRL OP(MD). No.19885 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19885 of 2024

Thalamuthu @ Thalaimuthu

... Petitioner / Accused No.2

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.117 of 2022)

... Respondent/Complainant

For Petitioner : Ms.S.Meena, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.117/2022 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 offences under Sections 294(b), 302, 506(ii) of IPC, in Crime No.117 of



CRL OP(MD). No.19885 of 2024

2022 on the file of the respondent police, seeks anticipatory bail.

WEB COPY

2. The case of the prosecution is that there was a previous enmity arising out of a property dispute between A1 and deceased. A2 and A3 are the sons of A1. In view of the same, on 30.07.2022, the accused persons are said to have developed a wordy quarrel and the deceased was attacked with iron rod and with aruval. Initially, an FIR was registered against 3 persons and the petitioner was added as A2. On completion of investigation, the police report was filed only as against A1 and A3 and the name of the petitioner was dropped.

3. The defacto complainant filed a protest petition before the learned Judicial Magistrate, Rajapalayam and the learned Judicial Magistrate by order dated 04.03.2023 made in Crl.M.P. No. 7232 of 2022 came to a conclusion that the police must conduct a further investigation in this case and file a supplementary report. Based on the same, further investigation was conducted and a supplementary report was also filed and the petitioner was also added as an accused.

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

5. Taking into consideration the facts and circumstances of the case and the fact that the petitioner has been made as an accused in this case after further investigation and there are no previous cases against the petitioner, this Court is



CRL OP(MD). No.19885 of 2024

inclined to grant anticipatory bail to the petitioner subject to the following conditions.

WEB COPY

6. Accordingly, the petitioner is 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 Judicial Magistrate, Rajapalayam, 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] 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 appear before the Trial Court during every hearing date without fail;

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

[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



CRL OP(MD). No.19885 of 2024

WEB COPY

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

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

sd/-
18/11/2024

/ TRUE COPY /

/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,
Rajapalayam.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.JANANI PRIYA, Advocate (SR-14143[I] dated 18/11/2024)



WEB COPY



CRL OP(MD). No.19885 of 2024

ORDER
IN
CRL OP(MD) No.19885 of 2024
Date :18/11/2024

ED/ /SAR- (23/11/2024) 5P / 6C

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