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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.20283 of 2024

1. Manju Alias Manoj Kumar

2. Allidurai

3. Alex Alias Alexander

... Petitioners/ Accused No.1 to 3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(FIR No. 457 of 2024).

... Respondent/Complainant

For Petitioner :Mr. T.Pradeep

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. 457 of 2024 on the file of the Respondent police.

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ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 296(b), 115(2), 118(1), 133 and 351(3) BNS (hereinafter referred to as new penal code) in Crime No.457 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 is said to have driven his two wheeler in rash and negligent manner and the same was questioned by the defacto complainant. Hence there was a previous enmity and on 30.10.2024 at about 09.00 pm, the accused persons went to the house of the defacto complainant and abused him in filthy language and threatened him and also assaulted causing injuries. There are totally three accused persons in this case and all of them are before this Court.

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

4. Taking into consideration the facts and circumstances of the case and the manner, in which, this incident had taken place and considering the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is ordered and the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date

of receipt of a copy of this order, before the learned Judicial Magistrate No.III,

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Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] 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.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 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;



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

sd/-
21/11/2024

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/ /2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. The Judicial Magistrate No.III,
Tirunelveli.

2.Do Through
The Chief Judicial Magistrate,
Tirunelveli.

3. The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.

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

ORDER
IN

CRL OP(MD) No.20283 of 2024
Date :21/11/2024

KVL/23.11.2024 4P/5C

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

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