



CRL OP(MD). No.21056 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Kandiyappan @ Chandrakandeeppan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
(Crime No. 371 of 2024)

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 371 of 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 332(C), 296(b), 131, 118(1), 351(3) of BNS Act in Crime No.371 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the defacto complainant is a practicing Advocate and on 02.07.2024 he along with other Advocates were discussing about the divorce case of the petitioner's daughter. At that point of time, the petitioner and the other accused persons were also present. The accused persons are said to have abused the defacto complainant using filthy language and also attempted to attack the defacto complainant with knife. There are totally three accused persons in this case and the petitioner is arrayed as A1.

3.The petitioner earlier filed CrI.O.P(MD) No. 11461 of 2024 seeking for anticipatory bail. That petition was dismissed by order of this Court dated 31.07.2024, mainly on the ground that the petitioner has nine previous cases against him. This order seems to have been put to challenge before the Apex Court and SLP was not entertained. The petitioner filed another anticipatory bail petition in CrI.O.P(MD) No. 18234 of 2024 and this petition was dismissed as withdrawn on 30.10.2024. This is the third anticipatory bail petition filed before this Court.

4.The learned counsel for the petitioner submitted that there was misconception that there were nine previous cases pending against the petitioner and that was the only ground, on which. the earlier anticipatory bail petition was dismissed. However, on closer scrutiny, it is found that there are only four cases pending out of which, one case is pending before the Court and two cases have not been taken on file after the



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completion of investigation and one case is under investigation. The learned counsel for the petitioner therefore submitted that the petitioner may be granted anticipatory bail subject to any conditions.

5.Per contra, the learned Government Advocate (Crl.Side) submitted that this is the third anticipatory bail petition filed by the petitioner and that two petitions were dismissed by this Court and there are no change in circumstances to entertain this anticipatory bail. He further submitted that there were nine previous cases against the petitioner out of which one case is pending before the Court yet another case is under investigation and in two cases the investigation has been completed and the police report has not been taken on file. All the remaining cases have been closed. Hence, the learned Government Advocate (Crl.Side) sought for dismissal of the petition.

6.This Court carefully considered the submissions on either side and perused the materials available on record.

7.The only ground on which the earlier anticipatory bail petition was dismissed by this Court was after being informed that there are nine previous cases pending against the petitioner. However, it now comes to light that out of nine cases, one case has been quashed by this Court and four cases have been referred as 'further action dropped'. One case is now pending before the Court in PRC No.14 of 2019 and two



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cases of the year 2020 and 21, the investigation has been completed. But the police report has not been taken on file. In yet another case, which was registered in the year 2012, investigation has not been completed.

8.Taking into consideration of the facts and circumstances of the case and also considering the fact that there are four pending cases, out of which, two cases have not been taken on file by the concerned Court, this Court is inclined to grant anticipatory bail to the petitioner.

9.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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukottai, Thanjavur District, 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



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card or Bank pass Book to ensure their identity.

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[c] the petitioner shall report before the learned Judicial Magistrate, Pattukottai daily at 10.30 a.m., until further orders.

[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;

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

sd/-

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

PNM



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TO

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1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.R.ANAND, Advocate (SR-14848[I] dated 03/12/2024)

ORDER
IN

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Date :03/12/2024

RS/VR/SAR-(10.12.2024) 6P 6C

Madurai Bench of Madras High Court is issuing
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