



CRL OP(MD). No.20435 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Mani @ Manikandan

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
(Crime No. 489 of 2024).

... Respondent/Complainant

For Petitioner : Mr.Dhilipan Pandian R.L., Advocate

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 489 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



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the alleged offence under Sections 126(2), 296(b), 308(5) and 351(3) of BNS (hereinafter referred to as new penal code) and Section 25(1A) of Arms Act in Crime No.489 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.11.2024, the petitioner is said to have threatened the defacto complainant, who is the supervisor of the TASMAL shop and demanded for liquor without payment of money.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner has seventeen previous cases, out of which, two cases are murder cases. He further submitted that the petitioner is a habitual offender and he is regularly involved committing serious offences. Therefore, he vehemently opposed the grant of anticipatory bail to the petitioner.

4. Per contra, the learned Counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner only because there are previous cases pending against the petitioner. He further submitted that no such incident took place as was attempted to be projected by the prosecution.

5. Taking into consideration the facts and circumstances of the case and the manner, in which, the incident has been projected in the FIR and considering the fact that there are 17 previous cases pending against the petitioner and that the petitioner has sustained injuries and he is now taking treatment before the Thanjavur Medical



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College Hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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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, Thiruvaiyaru, 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 card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District 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;



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[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 2023.

sd/-
22/11/2024

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/ 12 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU, THANJAVUR DISTRICT.

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

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



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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-14475[I] dated 25/11/2024)

ORDER
IN
CRL OP(MD) No.20435 of 2024
Date :22/11/2024

PSP/ VR /SAR /05.12.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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