



CRL OP(MD). No.20532 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20532 of 2024

Arun Prasath

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
Othakadai Police Station,
Madurai District
Crime No. 448 of 2024

... Respondent/Complainant

For Petitioner : Mr.S.Paul Muruges, Advocate
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)
For Intervenor : Mr.K.Prabhu, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.448 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 296(b), 324(4), 351(3) of BNS Act and Section 4 of

TNPHW Act in Crime No.448 of 2024 on the file of the respondent police, seeks

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



CRL OP(MD). No.20532 of 2024

anticipatory bail.

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2. The case of the prosecution is that the defacto complainant seems to have advised the accused persons not to consume liquor in a parking place. In view of the same, the accused persons are said to have attacked the defacto complainant and damaged the Car to the tune of Rs.10,000/-. They also threatened the defacto complainant and his wife with dire consequences. Totally, there are 4 accused persons in this case and the petitioner has been arrayed as A4.

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

4. Taking into consideration of the facts and circumstances of the case and considering the manner in which the incident had taken place and also taking note of the fact that there is one previous case pending against the petitioner and the Car belonging to the defacto complainant has been damaged, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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, Melur, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



CRL OP(MD). No.20532 of 2024

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 is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.448 of 2024 before the learned Judicial Magistrate, Melur, without prejudice to his rights and contentions before the trial Court. Only upon deposit, the learned Magistrate shall accept the sureties;

[c] 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.

[d] the petitioner shall report before the respondent police on every Friday at 05.30p.m., for a period of six weeks, thereafter, as and when required for interrogation.

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

[f] the petitioner shall not abscond either during investigation or trial;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



CRL OP(MD). No.20532 of 2024

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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;

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

sd/-
26/11/2024

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

PNM
TO

1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.PAUL MURUGAN, Advocate (SR-14618[I] dated 27/11/2024)



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CRL OP(MD). No.20532 of 2024

ORDER

IN

CRL OP(MD) No.20532 of 2024

Date :26/11/2024

RS/SKN/SAR-(09.12.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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