



CRL OP(MD). No.20574 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Jeba,

... Petitioner/ Rank not Known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kaliakka Vilai Police Station,
Kanyakumari District.
(Crime No. 362/2024).

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 362 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :

The petitioner / Accused, who apprehends arrest at the hands of the respondent Police for the offence under Sections 296(b), 118(1), 351(3) of BNS Act @



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103(1), 118(1), 296(b), 351(3) of BNS Act in Crime No.362 of 2024 on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that on 04.11.2024, at mid-night hours, the deceased is said to have knocked the door of the neighbours' house. Accused Nos.1 and 4, who are the son and mother, on seeing the deceased, started attacking him and the deceased started running and in the meantime, all the other neighbours were alerted and all of them started attacking the deceased. The deceased sustained injuries and ultimately, he succumbed to the injuries. There are totally six accused persons in this case and the petitioner has been arrayed as Accused No.4.

3. The learned counsel appearing for the petitioner submitted that the entire incident had taken place in the spur of the moment when everybody assumed that the deceased has come in the mid-night only to commit robbery and it was an instantaneous action on the part of the accused persons. He further submitted that this petitioner is none other than the mother of Accused No.1 and she has not attacked the deceased.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the entire incident has been captured in the CCTV and in this case, the deceased had knocked the doors of one Sivaramakrishnan during the mid-night hours and asked for drinking water and on hearing the alarm of the said



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Sivaramakrishnan, the petitioner and other accused persons came to the spot and started assaulting the deceased. He further submitted that the deceased sustained serious injuries on 04.11.2024 and ultimately, he succumbed to the injuries in the hospital on 12.11.2024. All the other five accused persons were arrested in this case on 13.11.2024 and 19.11.2024 respectively.

5. Taking into consideration the facts and circumstances of the case and the submissions made on either side and the manner in which the incident had taken place and considering the fact that the petitioner is a lady and she is the mother of Accused No.1, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai 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 fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[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 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/-
27/11/2024

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

TSG
TO
1 THE JUDICIAL MAGISTRATE, NO.I, KUZHITHURAI.



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2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KALIAKKA VILAI POLICE STATION, KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.A.BALAKRISHNAN, Advocate (SR-14633[I] dated 28/11/2024)

+1 CC to M/s.A.BALAKRISHNAN, Advocate (SR-14705[I] dated 29/11/2024)

ORDER
IN

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Date :27/11/2024

PSP/ VR /SAR /06.12.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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