



CRL OP(MD). No.20679 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

CRL OP(MD). No.20679 of 2024

1. Kuchi Alias Jaisingh,

2. Viji Kamalam,,

3. Vijis

... Petitioners/ Accused Nos.1, 2 & 3

Vs

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

... Respondent/ Complainant

For Petitioners : Mr.A.Robinson,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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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 petitioners / Accused Nos.1, 2 and 3, who apprehend arrest at the hands of the respondent Police, for the offence under Sections 296(b), 115(2), 118(1) and 351(3) of BNS in Crime No.362 of 2024, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the member of the Church. On 13.10.2021, the defacto complainant had asserted that he is the Clergy of the Church and there was a wordy quarrel, as a result of which, the defacto complainant was abused in filthy language and was also assaulted by the accused persons.

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



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4. Taking into consideration the facts and circumstances of the case and the manner in which the incident had taken place and also considering the fact that there is a case and counter case pending investigation in Crime Nos.362 and 363 of 2024 before the respondent Police and considering the fact that the injured has been discharged from the Hospital and there are no previous cases against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

5. Accordingly, 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.II, Nagercoil, 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 shall report before the respondent police as and when



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required for interrogation;

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

[d]the petitioners 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 (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG



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TO
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- 1.THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL,
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
 - 3.THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.ROBINSON, Advocate (SR-14576[I] dated 27/11/2024)

ORDER
IN
CRL OP(MD) No.20679 of 2024
Date :27/11/2024

RK/SKN (06/12/2024) 5P / 6C
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