



CRL OP(MD). No.20750 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. Kadher Batcha

2. Krishnan

3. Subramani

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirupparankundram Police Station,
Madurai City,
Madurai.(Ref Crime No. 744/2024).

... Respondent/Complainant

For Petitioner : M/s.B.Chakkaravarthi,

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 744 of 2024 on the file of the Respondent police.



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ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 296(b), 115(2), 351(2) of BNS Act and Section 4 of TNPHW Act, 2002 in Crime No.744 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.11.2024 at about 03.00p.m., the defacto complainant was cleaning his Radio Shop, A1 is said to be the adjacent shop owner and he had taken photo of the defacto complainant in his mobile phone and that was questioned by the son of the defacto complainant. There was a wordy quarrel and the accused persons are said to have abused the defacto complainant in filthy language and attacked him with hands.

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 the manner in which, the incident had taken place and considering the fact that the injured was treated as out patient and there are no previous cases pending



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against A1 and A3 and one previous case against A2 under Tamil Nadu Prohibition of Harassment of Women Act, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, this criminal original petition is ordered and 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.VI, Madurai*, 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 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 petitioners shall report before the respondent police as and when required for interrogation.



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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
28/11/2024

/ TRUE COPY /

/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 NO.VI
MADURAI.

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



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3 THE INSPECTOR OF POLICE,
THIRUPPARANKUNDRAM POLICE STATION,
MADURAI CITY,
MADURAI.

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

+1 CC to M/s.B.CHAKKARAVARTHI, Advocate (SR-14645[I] dated 28/11/2024)

ORDER

IN

CRL OP(MD) No.20750 of 2024

Date :28/11/2024

SS/VR/SAR- /04/12/2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023