



CRL OP(MD). No.20917 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.20917 of 2024

Jothi,

... Petitioner/ Accused No.5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Patteeswaram Police Station
Thanjavur District
Crime No. 341/2024.

... Respondent/ Complainant

For Petitioner : Mr.Sivakumar.T,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 341 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner/accused No.5, who apprehends arrest at the hands of the respondent Police for the offence under Sections 192(2), 191(3), 296(b), 118(1), 109, 351(3) of BNS, 2023 in Crime No.341 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the parties and on the date of occurrence, the accused persons are said to have quarrelled with the *defacto* complainant and attacked the *defacto* complainant and others with wooden log. There are totally five accused persons in this case and the petitioner has been arrayed as Accused No.5.

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

4. Taking into consideration the facts and circumstances of the case and considering the fact that there was already a property dispute between the parties and the injured has already been discharged from the hospital and there is a case



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and counter case pending investigation before the respondent Police in Crime Nos.341 and 342 of 2024, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

5. 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.2, Kumbakonam, 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;

[b] the petitioner shall report before the respondent police 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;



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[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/-
29/11/2024

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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.2
KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
PATTEESWARAM POLICE STATION THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
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Date :29/11/2024

SS/GSV/SAR- /05/12/2024/ 5P/5C

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