



CRL OP(MD). No.20846 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

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Esakkimuthu

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kalidaikurichi Police Station,
Tirunelveli District.
(Cr. No.375/2024)

... Respondent/ Complainant

For Petitioner : Mr.C. Susikumar, 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. 375 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 Section 303(2) of BNS Act in Crime No.375 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the two wheeler belonging to the defacto complainant was missing from the parking place. There are totally 6 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. The learned Government Advocate (Crl.Side) submitted that A1 was arrested in this case and bike has also been seized. This petitioner has been arrayed as accused based on the confession of A1. There are six previous cases against the petitioner.

5. Taking into consideration of the facts and circumstances of the case and considering the fact that the petitioner has been added as an accused based on the confession of A1 and the fact that the bike has already been seized and taking note of previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Ambasamuthiram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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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 fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] 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.

[c] the petitioner shall report before the learned Judicial Magistrate, Ambasamuthiram daily at 10.30a.m., until further orders;

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

[e] the petitioner 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



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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;

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

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.

PNM

To

1.The Judicial Magistrate,
Ambasamuthiram.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-14878[I] dated 03/12/2024)

ORDER
IN
CRL OP(MD) No.20846 of 2024
Date :29/11/2024

ED/ GSV /SAR- (11/12/2024) 5P / 6C

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