



CRL OP(MD). No.21013 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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B.Yaser Arafath

... Petitioner/ Accused 5

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Mathichayam Police Station,
Madurai District.
Crime No.456 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.L.Shaji Chellan, Advocate

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.456 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 310(4) of BNS Act, 2023 in Crime No.456



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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 accused persons had assembled near the road junction on 17.11.2024 at about 12.00p.m in order to commit dacoity and on seeing the Police, they attempted to flee from the place. Some of the accused persons were arrested and the weapons were also seized. There are totally 7 accused persons in this case and the petitioner has been arrayed as A5.

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 to A4 were arrested in this case and insofar as the petitioner is concerned, there are 11 previous cases against the petitioner.

5. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner.

6. Taking into consideration of the facts and circumstances of the case and considering the manner in which the prosecution has projected the case and taking note of the previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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



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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, Madurai, 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 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 No.II, Madurai daily at 10.30a.m., until further orders, except on those days, where the petitioner has to appear before the other Courts in the pending cases.

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



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[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 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/-
02/12/2024

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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 NO.II,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.



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3 THE INSPECTOR OF POLICE,
MATHICHAYAM POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-14852[I] dated 03/12/2024)

ORDER
IN
CRL OP(MD) No.21013 of 2024
Date :02/12/2024

SA/GSV/SAR. /11.12.2024/5P/6C

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