



CRL OP(MD). No.21024 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

CRL OP(MD). No.21024 of 2024

J.L.Jayan

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Colachel Police Station,
Colachel, Kanyakumari District.
(Crime No.317 of 2024.)

... Respondent/Complainant

For Petitioner : Mr.C. Sankar Prakash, 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.317 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 Sections 296(b), 115(2) and 351(3) of BNS Act,



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2023 in Crime No.317 of 2024 on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that there was a previous enmity between the petitioner and the defacto complainant. On 19.11.2024, the petitioner is said to have thrown chili powder on the face of the defacto complainant and threatened him with knife.

3.The learned Government Advocate (Crl.Side) submitted that there are seven previous cases against the petitioner and that petitioner is a history cheater.

4.The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and that this petitioner is an activist, who is attempted to be roped in as an accused.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

6.Taking into consideration of the facts and circumstances of the case and considering the manner in which the incident had taken place and considering the fact that defacto complainant was treated as an outpatient and taking note of previous cases against the petitioner, this Court is inclined to grant anticipatory bail.

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



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his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, Kanyakumari District, 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 respondent police every Monday and Friday at 05.30p.m., for a period of eight weeks, thereafter, as and when required for interrogation.

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

[e] the petitioner shall not abscond either during



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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,
Eraniel, Kanyakumari District.



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2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Colachel Police Station,
Colachel, Kanyakumari District.

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

ORDER
IN
CRL OP(MD) No.21024 of 2024
Date :02/12/2024

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

Madurai Bench of Madras High Court is issuing certified copies in this format from
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