



CRL OP(MD). No.21400 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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1. S. Mohamed Ismayil

2. S. Mohamed Tabrees

3. A. Sirajudeen

4. S. Balkees Banu

... Petitioners/ Accused Nos.1,2,4 &5

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thondi Police Station,
Thondi Village,
Thiruvadanai Taluk,
Ramanathapuram District.
Crime No. 213/2024.

... Respondent/Defacto Complainant

For Petitioner : Mr.Athamali S., ADVOCATE

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



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :-

For Anticipatory Bail in Crime No. 213 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 126(2), 127(2), 189(2), 296(b), 115(2), 118(1) and 351 (3) BNS (hereinafter referred to as new penal code) r/w Section 4 of TNPHW Act in Crime No.213 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the son of A1 was murdered. In this regard, the accused persons are said to have assaulted and threatened the son of the defacto complainant. A1 and A2 are said to have taken away the son of the defacto complainant to their house on 18.10.2024 and he was assaulted with iron rod, sticks, hands and legs and a video was also recorded. There are totally four named accused persons and seven unnamed accused persons in this case and the petitioners have been arrayed as A1, A2, A4 and A5.



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3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent police.

4. Taking into consideration the facts and circumstances of the case and considering the fact that there was a previous enmity between the parties and the injured has been discharged from the hospital and there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. 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, Thiruvadanai, 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



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card or Bank pass Book to ensure their identity.

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[c] the petitioner Nos.1 to 3 (A1, A2 and A4) shall report before the respondent police every Friday at 05.30 p.m for a period of six weeks and thereafter, as and when required for interrogation.

[d]the fourth petitioner (A5) shall report before the respondent police as and when required for interrogation.

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

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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;



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[h] if the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS 2023.

sd/-
10/12/2024

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/12/2024
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVADANAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM

3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
THONDI VILLAGE,
THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.21400 of 2024
Date :10/12/2024

AM/ /SAR/ (16/12/2024) 5P/C

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

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