



CRL OP(MD). No.21518 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21518 of 2024

Vinoth

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No. 329 of 2024

... Respondent/Complainant

For Petitioner : Mr.R.Russel Raj, 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. 329 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 281, 106 BNS Act and 187 of MV Act 1989 @ 281, 106(1)(2) of BNS r/w 49 of BNS and Section 199(A) of MV Act, 1989 in Crime No.329



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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 defacto complainant's husband was returning back in his two wheeler and at that time, a Car was driven by a juvenile in a rash and negligent manner and it dashed on the two wheeler of the defacto complainant's husband, as a result, he sustained grievous injuries all over his body. Subsequently, he died. There are totally two accused persons in this case and the petitioner has been arrayed as A2.

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

4. The petitioner had earlier filed three anticipatory bail petitions before this Court. All those petitions were dismissed by this Court. This is the 4th anticipatory bail petition filed by the petitioner on the ground that the investigation has been completed and A1 was arrested and later, enlarged on bail.

5. The learned Government Advocate (Crl.Side) confirmed the fact that the investigation has been completed and A1 was arrested and later, enlarged on bail.

6. Taking into consideration of the facts and circumstances of the case and considering the fact that this petitioner had given the vehicle to a juvenile, as a result of which, the accident had happened, this Court is inclined to grant anticipatory bail to the petitioner.



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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 appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, Kanyakumarai, 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 daily at 10.30 a.m., for a period of four 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 investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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/-
09/12/2024

/ TRUE COPY /

/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.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.R.RUSSEL RAJ, Advocate (SR-15137[I] dated 10/12/2024)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

CRL OP(MD) No.21518 of 2024

Date :09/12/2024

RS/SKN/SAR-(13.12.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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