



CRL OP(MD). No.21395 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21395 of 2024

1. Elayaraja

2. Lakshmi @ Lakshmipraba

... Petitioners/ Accused 1 & 2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Usilampatty Town Police Station,
Usilampatty Town,
Madurai District.
Crime No.489 of 2022..

... Respondent/Complainant

For Petitioner : Mr.M.Kannan, 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.489 of 2022 on the file of the Respondent Police.



CRL OP(MD). No.21395 of 2024

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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 294(b) and 306 of IPC, in Crime No.489 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons and the defacto complainant's mother are neighbours. There was some property dispute. Every time when the defact complainant's mother was taking steps to survey the property, it was disrupted by the accused persons. For the 5th time, the defacto complainant's mother once again took steps to survey the property. When the surveyor came to the property, he was once again stopped by the accused persons and the accused persons are said to have abused the defacto complainant's mother in filthy language and also threatened that they will not allow the property to be measured. The mother of the defacto complainant became agitated and went to the first floor of her house and jumped from the first floor resulting in her death. There are totally 4 accused persons in this case and the petitioners have been arrayed as A1 and A2.

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



CRL OP(MD). No.21395 of 2024

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4.Taking into consideration of the facts and circumstances of the case and considering the fact that A3, A4 were arrested and later enlarged on bail by this Court in CrI.O.P(MD) No.21213 of 2024, by order dated 04.12.2024, this Court is inclined to grant to grant anticipatory bail to the petitioners.

5.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 No.I, Usilampatti, 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 card or Bank pass Book to ensure their identity.



CRL OP(MD). No.21395 of 2024

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[c] the petitioners shall report before the respondent police daily at 10.30a.m., until further order.

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

[e] the petitioners 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 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;

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

sd/-
06/12/2024

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/12/2024

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

PNM
TO

1. The Judicial Magistrate No.I, Usilampatti



CRL OP(MD). No.21395 of 2024

2. Do-Through The Chief Judicial Magistrate,
Madurai District.

3. The Inspector of Police,
Usilampatty Town Police Station,
Usilampatty Town, Madurai District.

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

+1 CC to M/s.M.KANNAN, Advocate (SR-15057[I] dated 06/12/2024)

ORDER
IN

CRL OP(MD) No.21395 of 2024

Date :06/12/2024

RK/SKN (16/12/2024) 5P / 6C

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