



CRL OP(MD). No.21404 of 2024

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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.21404 of 2024

Thirunavukarasu

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Palanichettypatti Police Station,
Theni District.
(Crime No. 445 of 2024).

... Respondent/Complainant

For Petitioner : Mr.J.Sulthan Basha, 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. 445 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent Police for the offences under Sections 420, 465, 467, 468, 471 and 120(B) IPC in Crime No.445 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons were restricting the defacto complainant from using the pathway which was under use for a very long time. A civil suit was also instituted, at which point of time, a document was produced, as if, licence was given exclusively in favour of the accused persons. Later, it came to light that the document is a fabricated document. There are totally 4 accused persons in this case and the petitioner has been arrayed as A3.

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

4. Taking into consideration the facts and circumstances of the case and considering the fact that there was a civil dispute between the parties and the



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document that was relied upon by the accused persons is now claimed to be a fabricated document and the document was already relied upon before the competent civil Court, no custodial interrogation required in this case and also considering the fact that anticipatory bail was granted to the co-accused in Crl.O.P (MD) No.19624 of 2024, dated 22.11.2024, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

5.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 Theni, 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



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card or Bank pass Book to ensure their identity.

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[c] the petitioner shall report before the respondent police 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 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/-
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



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TO
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1. The Judicial Magistrate, Theni
 2. Do-Through The Chief Judicial Magistrate,
Theni District.
 3. The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-15060[I] dated 06/12/2024)

ORDER
IN
CRL OP(MD) No.21404 of 2024
Date :06/12/2024

RK/SKN (13/12/2024) 5P / 6C
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