



CRL OP(MD). No.21399 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.21399 of 2024

Mariselvam

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Melapalayam Police Station
Tirunelveli City,
Crime No.341 of 2024

... Respondent/Complainant

For Petitioner : Mr.Venkatesh, 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.341 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent Police for the offences under Section 87 of BNS Act in Crime No.341 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was kidnapped in a Car by the accused persons and on hearing her noise, the villagers gathered and informed the same to the parents of the defacto complainant. There are totally three



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accused persons in this case and the petitioner has been arrayed as A3.

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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 anticipatory bail was granted to the co-accused/A1,A2 in Crl.O.P(MD) No.20610 of 2024, dated 27.11.2024, on the ground that A1 was willing to marry the defacto complainant, 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 No.V, Tirunelveli, 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



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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 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 (C.S. 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 NO.V, TIRUNELVELI

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, MELAPALAYAM POLICE STATION
TIRUNELVELI CITY.

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

ORDER
IN

CRL OP(MD) No.21399 of 2024

Date :06/12/2024

RS/SKN/SAR-(16.12.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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