



CRL OP(MD). No.21655 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Sivakumar

... Petitioner / Sole Accused

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(Crime No.715 of 2024)

... Respondent/Complainant

For Petitioner : Mr.M.Maruthupandian,
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No. 715 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 296(b), 118(1) and 351(3) of BNS, in Crime No.715 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have developed an illicit affair with the wife of the defacto complainant. When the defacto complainant enquired about the same, the petitioner is said to have attacked the defacto complainant.

3. The earlier anticipatory bail petition filed by the petitioner in Crl.OP(MD). No.17960 of 2024 was dismissed by this Court by an order dated 21.10.2024 on the ground that there are 6 previous cases against the petitioner.

4. When the matter was taken up for hearing today, it was brought to the notice of this Court that there are only 4 previous cases against the petitioner and that the very same defacto complainant gave yet another complaint against the petitioner, based on which, the respondent police registered an FIR in crime no.599



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of 2024 and in that case, anticipatory bail was granted by this Court by an order dated 03.09.2024.

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5. Heard the learned counsel on either side and perused the material records of the case.

6. Taking into consideration the facts and circumstances of the case and considering the fact that there was a previous enmity between the parties and taking note of the previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Orathanadu, Thanjavur, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] 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.

[b] the petitioner shall appear before the respondent police as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 of BNS, 2023.

sd/-

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/12/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

PAL

TO

1 THE JUDICIAL MAGISTRATE

ORATHANADU, THANJAVUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE

THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,

ORATHANADU POLICE STATION,

THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.MARUTHUPANDIAN, Advocate (SR-15174[I] dated 10/12/2024)

ORDER

IN

CRL OP(MD) No.21655 of 2024

Date :10/12/2024

SS/SKN/SAR- /17/12/2024/ 5P/6C

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