



CRL OP(MD). No.21725 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.M.Manikandan

2.M.Adhitya

... Petitioners/Rank Not Known

Vs

The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.783 of 2024)

... Respondent/Complainant

For Petitioners : Mr.T.Thirumurugan, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.783 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 126(2), 118(1) of BNS, in Crime No.783 of 2024 on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that there was a wordy quarrel between the accused persons and the defacto complainant and the accused/petitioners are said to have attacked the defacto complainant with iron rod, as a result of which, the defacto complainant sustained grievous injuries. He undertook treatment and he was discharged from the hospital very recently. The petitioners are father and son.

3. The learned Government Advocate (Criminal Side), on instructions, submitted that insofar as the first petitioner is concerned, there are 12 previous cases against him and list of cases that are pending against the petitioner was also given to this Court. Insofar as A2 is concerned, there are 2 previous cases.

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

5. Taking into consideration the facts and circumstance of the case and considering the fact that there are 12 previous cases against the 1st petitioner, out of which, many cases are pending and are similar in nature, this Court is not inclined to grant anticipatory bail to the first petitioner and this petition is dismissed insofar as the first petitioner is concerned.

6. Insofar as the second petitioner, it is seen that there are 2 previous cases against the second petitioner and this Court takes into consideration the manner in which this incident had taken place and also the fact that the defacto complainant has



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already been discharged from the hospital and therefore, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7. Accordingly, the second 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 Court No.VI, Madurai, on condition that the petitioners 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:

[a] the second 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 second petitioner shall report before the respondent on every Friday at 10.30 a.m. for a period of 4 weeks and thereafter, as and when required.

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

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

[e] 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023. IPC.

8. In the result, this criminal original petition is partly allowed.

sd/-
12/12/2024

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/12/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-15373[I] dated 13/12/2024)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

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Date :12/12/2024

RS/VR/SAR-(27.12.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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