



CRL OP(MD). No.21991 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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R. Rajasekar

... Petitioner/1st Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Bodinaickkanur Town Police Station,
Bodinaickkanur,
Theni District.
(Crime No. 296 of 2024).

... Respondent/Complainant

For Petitioner : Mr.K Guhan,

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 296 of 2024 on the file of the respondent
Police.



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ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 318(2) and 318(4) of BNS (hereinafter referred to as new penal code) in Crime No.296 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused have committed a crime by refusing to execute the sale deed between the accused and the de-facto complainant.

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

4. Taking into consideration the facts and circumstances of the case and considering the nature of the allegations in this case that the de-facto complainant is said to have entered into an agreement with the accused persons and the other accused for purchase of the land and after receiving the advance, the accused neither returned the advance money and nor executed the sale deed, and also taking note of the fact that A2 was already granted anticipatory bail by this Court in Crl.O.P(MD) No.18950 of 2024 on 30.10.2024, this Court is inclined to grant anticipatory bail to the petitioner. 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,



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within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinaickkanur, Theni District, 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 card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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 2023.

sd/-
13/12/2024

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

LR

TO

1 THE JUDICIAL MAGISTRATE
BODINAICKKANUR, THENI DISTRICT.

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

3 THE INSPECTOR OF POLICE,
BODINAICKKANUR TOWN POLICE STATION,
BODINAICKKANUR, THENI DISTRICT.

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

+1 CC to M/s.K.GUHAN, Advocate (SR-15392[I] dated 13/12/2024)



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ORDER
IN
CRL OP(MD) No.21991 of 2024
Date :13/12/2024

PSP/ SKN /SAR /20.12.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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