



CRL OP(MD). No.22077 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22077 of 2024

Bagathsingh @ Noorul Hatha @ Noorul Heetha

... Petitioner / Sole Accused

Vs

The State of Tamil Nadu

Represented by the Inspector of Police,

Ayakudi Police Station,

Dindigul District.

(Crime No.190 of 2024)

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
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. 190 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), 351(2) of the BNS, 2023 and Section 4 of the TNPHW Act, 2002 and Sections 91 and 92(a) of the Rights of Persons with Disabilities Act, 2016, in Crime No.190 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. There is some dispute between the members of the association for the mentally affected persons. Hence, the complaint was given against the petitioner as if he received a sum of Rs.1000/- and assured that the wife of the defacto complainant will get monthly aid. However, no such monthly aid was received by the wife of the defacto complainant. The other allegation is that the members of the association got 3 cent house site and insofar as the site that was allotted to the wife of the defacto complainant, some one had encroached upon the same.

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



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4. Taking into consideration the facts and circumstances of the case and the dispute among the members of the association, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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, Palani, 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:

[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 for interrogation.



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[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].

[f] 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 (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pal



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TO
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1. THE JUDICIAL MAGISTRATE, PALANI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
3. THE INSPECTOR OF POLICE,
AYAKUDI POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 cc to MR.D.VENKATESH, Advocate SR NO.74181 DATED 16.12.2024(F)

ORDER
IN
CRL OP(MD) No.22077 of 2024
Date :13/12/2024

RK/SKN (27/12/2024) 5P / 6C

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