



CRL OP(MD). No.22198 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Jinnadurai @ Nagoor Ghani
2.Abupacker
3.Murugan
4.Varusai Meeral
5.Salma Begam

... Petitioners/ Accused 1 to 5

Vs

The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.
(Crime No.832 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.C.Ezhilarasu, Advocate
For Respondent : Mr.A.Albert James
Government Advocate (Crl.Side)
For Intervenor : Mr.C.Susikumar, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.832 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioners/accused Nos.1 to 5, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 191(2), 329(3), 296(b), 131, 115(2), 118(1), 74, 351(3) and 303(2) NH of BNS r/w Section 4 of the Tamil Nadu Prevention of Harassment of Women Act in Crime No.832 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a civil dispute between the parties. The accused persons are said to have trespassed into the property and abused the defacto complainant in filthy language and also attacked the defacto complainant with Aruval and caused injuries and threatened with dire consequences.

3.When the matter came up for hearing on 17.12.2024, the learned counsel for the intervenor submitted that there is already a previous case against the petitioners, wherein they had attacked the defacto complainant and the said case is pending in S.C.No.237 of 2024 before the Sub Court, Nanguneri. This Court directed the learned Government Advocate to take instructions in this regard.

4.When the matter was taken up for hearing today, the learned Government Advocate (Crl.side) submitted that there is a previous case pending against the petitioners and that was based on an incident that took place in the year 2014.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police.



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6. Taking into consideration the facts and circumstances of the case and also considering the dispute between the parties and also taking note of the fact that there is already one previous case against the petitioners, where similar attack was made on the defacto complainant and also considering the fact that the defacto complainant has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), each 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners 1 to 3 shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation and the petitioners 4 and 5 shall report before the respondent police as and when required for interrogation;



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[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 Court is entitled to take appropriate action against the petitioners 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/12/2024

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/01/2025
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, NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, KALAKADU POLICE STATION,
TIRUNELVELI DISTRICT.



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

+1 CC to M/s.C.EZHILARASU, Advocate (SR-15753[I] dated 20/12/2024)

ORDER

IN

CRL OP(MD) No.22198 of 2024

Date :20/12/2024

RS/SKN/SAR-(07.01.2025) 5P 6C

Madurai Bench of Madras High Court is issuing
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