



CRL OP(MD). No.22518 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Mohammed Masood

2.Alli Afnaan @ Afnaa

... Petitioners / Accused 1 & 2

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
S.S.Colony Police Station,
Madurai District.
(Crime No.821 of 2024)

... Respondent/Complainant

For Petitioners: Mr.B.Kumaresan,
Advocate

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

For Intervenor : Mr.M.Maharaja, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 821 of 2024 on the file of the respondent police.

<https://www.mhc.tn.gov.in/judis/>



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ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 296(b), 115(2), 333, 305 and 351(3) of BNS, 2023, in Crime No.821 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons by misleading the defacto complainant had obtained the document in their favour and based on the same, they forcibly entered the property and took possession of the portion of the property. When the same was questioned, the defacto complainant was abused in filthy language and he was threatened with dire consequences.

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 the nature of dispute between the parties and considering the fact that there is a case and counter-case pending investigation before the respondent police in Crime Nos.821 and 822 of 2024 and there is already civil litigation between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.V,



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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 petitioners 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 petitioners shall report before the respondent Police as and when required for interrogation.

[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 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].



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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. IPC.

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.

PKN

TO

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.B.KUMARESAN, Advocate (SR-15684[I] dated 19/12/2024)



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ORDER
IN
CRL OP(MD) No.22518 of 2024
Date :19/12/2024

SA/GSV/SAR. /27.12.2024/5P/6C

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