



Crl.O.P.(MD) No.22911 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD) No.22911 of 2024

1.Kumar

2.Rajan

3.Vedapoo

4.Viji

... Petitioners / A1 to A4

-vs-

The State of Tamilnadu
rep.by its Inspector of Police
Kulasekaram Police Station
Kanyakumari District
(Crime No.272 of 2024)

... Respondent / Complainant

PRAYER: Petition filed under Section 482 of BNSS / 438 of Cr.P.C to enlarge the petitioners on bail in the event of their arrest by the respondent - Police in Crime No.272 of 2024, dated 13.12.2024, on their appearance before the Court.

For Petitioners : Mr.T.Ramasamy, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)



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ORDER

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The petitioners / A1 to A4, who apprehend arrest at the hands of the respondent - Police for the offences punishable under Sections 294(b), 115(2), 326(F) and 351(2) BNS Act and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.272 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there is a pathway dispute between the parties. While so, on the date of occurrence, the accused abused the de facto complainant in obscene words and assaulted the de facto complainant and also threatened with dire consequence, Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are relatives and they are innocents and they have been falsely implicated in this case. They have not committed any offence as alleged by the prosecution. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent -



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Police would submit that there is a pathway dispute between the parties. While so, on the date of occurrence, the accused abused the de facto complainant in obscene words and assaulted the de facto complainant and also threatened with dire consequence. Hence, the de facto complainant lodged a complaint against the accused and the investigation is at initial stage. He would further submit that no previous case is pending against the petitioners and the injured was discharged from the hospital. However, he strongly opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and the nature of offences charged as against the petitioners and also taking into consideration the fact that there is no previous case pending against the petitioners and there is a civil dispute between the parties and the injured was also discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on anticipatory bail on condition to 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 learned Judicial

Magistrate, Padmanabapuram, Kanyakumari District, and on further conditions that:



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[b] the petitioners shall report before the respondent – Police, on all Saturdays at 10.00 A.M. for four weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

sd/-
27/12/2024

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/01/2025

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

krk



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TO: 

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1.THE JUDICIAL MAGISTRATE,
PADMANABAPURAM, KANYAKUMARI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

3.THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1cc to MR.ANANTH C RAJESH, Advocate SR NO.15917 DATED 27.12.2024

ORDER
IN

CRL OP(MD) No.22911 of 2024

Date :27/12/2024

RK/SKN (02/01/2025) 5P / 6C

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