



Crl.O.P.(MD) No.22913 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

DATED : 27.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD) No.22913 of 2024

1.Jayachandran

2.Kumar

... Petitioners / Accused No.1 & 2

-VS-

The State of Tamil Nadu
rep.by its Inspector of Police
Kulasekaram Police Station
Kanyakumari District
(Crime No.264 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.264 of 2024, dated 09.12.2024, or on their appearance before the Court.

For Petitioners : Mr.T.Ramasamy, Advocate

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

ORDER

The petitioners / A1 & A2, who apprehend arrest at the hands of the



Crl.O.P.(MD) No.22913 of 2024

respondent – Police for the offences punishable under Sections 296(b), 126(2), 115(2) and 351(2) BNS Act and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.264 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 09.12.2024, at about 12.30 Noon, while the de facto complainant was walking along with her son and relative, near Sri Mookambika Men's Hospital, Kulasekaram, the petitioners came there, waylaid them and abused and assaulted them and thereby, the de facto complainant fell down and sustained injuries. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. They have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) appearing for the respondent – Police would submit that on 09.12.2024, at about 12.30 Noon, while the de facto complainant was walking along with her son and relative, near Sri Mookambika Men's Hospital, Kulasekaram, the petitioners came there, waylaid them and abused and assaulted them and thereby, the de facto complainant fell down and sustained injuries. He would further submit that no criminal case is pending against the petitioners and the injured has been discharged from the



Crl.O.P.(MD) No.22913 of 2024

hospital and there is a property dispute between parties with regard to pathway.

WEB COPY

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 a property dispute regarding pathway is pending between the parties and the injured has been 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:

[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



Crl.O.P.(MD) No.22913 of 2024

WEB COPY

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

/ TRUE COPY /

/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Crl.O.P.(MD) No.22913 of 2024

WEB COPY

To

1.The Judicial Magistrate,
Padmanabhapuram, Kanyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-15916[I] dated 27/12/2024)

ORDER

IN

CRL OP(MD) No.22913 of 2024

Date :27/12/2024

ED/SKN /SAR- (31/12/2024) 5P / 6 C

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