



Crl.O.P.(MD) No.22954 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.22954 of 2024

1.Vinoth

2.Karthikeyan

... Petitioners / A1 & A2

-VS-

The State
rep.by the Inspector of Police
Patteswaram Police Station
Thanjavur District
(Crime No.396 of 2024)

... Respondent / Complainant

PRAYER: Petition filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent – Police in connection with Crime No.396 of 2024, on the file of the respondent - Police.

For Petitioners : Mr.B.Jameel Arasu, Advocate

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

O R D E R

The petitioners / A1 & A2, who apprehend arrest at the hands of the respondent – Police for the offences punishable under Sections 294(b), 118(1) and 351(3) of the



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Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.396 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 16.11.2024, at about 05.30 p.m., due to civil dispute between the parties, the *de facto* complainant and the petitioners attacked each others and the petitioners threatened the *de facto* complainant with dire consequences. 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. There is a civil suit in O.S.No.220 of 2024, on the file of the Principal District Court, Kumbakonam, is pending between the parties

4. The learned Government Advocate (Crl. Side) appearing for the respondent – Police fairly submits that no previous case is pending against the petitioners and it is a case and counter case and the injured has been discharged from the hospital.



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

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6. Considering the rival submissions on either side and the nature of offences as against the petitioners and also taking into consideration the fact that no previous case is pending against the petitioners and it is a case and counter case and the injured has been discharged from the hospital and there is a civil suit pending between the parties, 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 No.II, Kumbakonam, Thanjavur 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 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.



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[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.

KRK

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
PATTESWARAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.22954 of 2024
Date :27/12/2024

SS/SKN/SAR- /02/01/2025/ 5P/5C

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