



CRL OP(MD). No.23012 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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1.Rajamanickam

2.Neelakandan

...Petitioners/ Accused Nos.2 & 4

Vs

State of Tamil Nadu represented by

The Inspector of Police,

Sethubavachatram Police Station,

Thanjavur District.

(Crime No.388/2024)

.. Respondent/ Complainant

For Petitioners : Mr.D.R.Murugesan
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.388 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 :-

The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 296(b), 75, 76, 78 of BNS r/w 4 of TNPWH Act on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and her husband died three year before. The defacto complainant was doing fish selling business. The accused Nos.1 & 3 used to give sexual torture to her on 15.12.2024. At that time, the 1st petitioner abused the defacto complainant with filthy language and harassed the defacto complainant. Hence, the case.

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

4. The learned Government Advocate (Crl. Side) fairly submits that no criminal case is pending against the petitioners and the 1st petitioner abused the defacto



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complainant with filthy language and harassed the defacto complainant and hence, he 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 against the petitioners, and that no previous case is pending against the petitioners and also there is a family dispute between the parties and also considering the fact that the co-accused have been arrested and granted bail, I am inclined to grant anticipatory bail to the petitioners, 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) with two sureties each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate Court, Peravurani, Thanjavur District, and on further conditions that:

[b] the petitioners shall report before the respondent police, every Saturday at 10.00 a.m. for a period of four weeks, and thereafter as and when required for the interrogation.

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



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[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 absconds, a fresh FIR can be registered under Section 269 B.N.S.

sd/-
27/12/2024

/ TRUE COPY /

/01/2025

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

RJR

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAVURANI, THANJAVUR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.



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3.THE INSPECTOR OF POLICE,
SETHUBAVACHATRAM POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.23012 of 2024
Date :27/12/2024

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

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