



CRL OP(MD). No.23036 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.12.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL
CRL OP(MD). No.23036 of 2024

1.Sathiyamoorthy

2.Mohan

3.Mugunthan

... Petitioners / Accused
Rank Not Known

Vs.

The State of Tamil Nadu
represented by,
The Inspector of Police,
Mathichiyam Police Station,
Madurai City.
(Crime No.480 of 2024)

... Respondent / Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the BNSS praying to grant anticipatory bail to the petitioners in Crime No.480 of 2024 on the file of the respondent police.

For Petitioners : Mr.S.Poornachandran

For Respondent : Mr.M.Sakthi Kumar
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 482 of B.N.S.S, 2023



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ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(1), 191(3), 296(b), 127(2), 115(2), 118(2) and 351(3) of BNS, 2023, in Crime No.480 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a previous enmity between the parties. On 17.12.2024 at about 10.00 a.m., the accused persons are said to have waylaid the defacto complainant and abused the defacto complainant in filthy language and assaulted the defacto complainant with hands and legs and that he sustained grievous injuries. Thereafter, the defacto complainant was admitted in the Government Rajaji Hospital at Madurai. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready and willing to furnish substantial sureties and to abide by any conditions that may be imposed by this Court; therefore, he prayed to grant anticipatory bail to the petitioners.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that, due to previous enmity between the parties, the petitioners abused the defacto complainant with filthy language and assaulted the defacto complainant and that he sustained injuries and was admitted to the hospital. He further submitted that there are totally 10 accused persons in this case and the petitioners have been arrayed as A5, A7 and A9. A7 has two previous cases against him and A5 and A9 have one previous case against them. He further submitted that the injured was discharged from the hospital. However, he vehemently opposed the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel on both side and perused the materials available on record.

6. Considering the representation made by both sides, the nature of offences, the fact that already the injured was discharged from the hospital, though the previous cases are pending against the petitioners, all the cases are not similar kind of offence and in all cases they were granted bail and considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:



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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy was made ready, before the learned Judicial Magistrate Court No.II, Madurai District, on condition that the petitioner shall 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 Magistrate concerned, and on further conditions that:

[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for a period of four weeks;

[b] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioners shall not leave India without the prior permission of the Court;

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[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 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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.

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TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.



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3. THE INSPECTOR OF POLICE,
MATHICHIYAM POLICE STATION,
MADURAI CITY.

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

ORDER
IN
CRL OP(MD) No.23036 of 2024
Date :27/12/2024

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

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