



CRL OP(MD). No.23009 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.12.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL
CRL OP(MD). No.23009 of 2024

1.Rakku

2.Shunmugaraja

... Petitioners / Accused 1&2

Vs.

The State of Tamil Nadu
represented by,
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.541 of 2024)

... Respondent / Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the BNSS praying to grant anticipatory bail to the petitioner in Crime No.541 of 2024 on the file of the respondent police.

For Petitioners : Mr.A.Ramesh, Advocate

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

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, in Crime No.541 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 16.12.2024 at about 8.50 p.m., the accused persons are said to have assaulted the defacto complainant and threatened him with dire consequences. Thereafter, the defacto complainant was admitted in the Hospital. 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.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that, due to family dispute between the parties, the petitioners



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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 no previous cases pending against the petitioners and 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 and also taking into consideration that there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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, Thiruppuvanam, on condition that the petitioner shall execute a bond for a sum of



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Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to

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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;

[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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
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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 , THIRUPPUVANAM,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
3. THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.RAMESH, Advocate (SR-15876[I] dated 27/12/2024)



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ORDER
IN
CRL OP(MD) No.23009 of 2024
Date :27/12/2024

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

Madurai Bench of Madras High Court is issuing certified copies in this format from
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