



CRL OP(MD). No.23097 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. Mahalingam,

2. Otchammal,

... Petitioners/ Accused No.1 & 2

Vs

The State of Tamilnadu Rep.By,
The Inspector of Police,
Uthapanaickanur Police Station Madurai
Crime No.213 of 2024.

... Respondent/Complainant

For Petitioner : M/s D.S.Haroon Rasheed,
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 Crime No.213 of 2024 on the file of the respondent police



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ORDER: The Court made the following order :-

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The petitioners/Accused 1 & 2, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 49, 333, 294(b), 115(2), 118(1), 303(2) and 351(3) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the property dispute, the petitioners abused the defacto complainant's daughter in filthy language, assaulted the defacto complainant and his family, snatched money for a sum of Rs.35,000/- and threatened them with criminal intimidation. Hence, the case.

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

4. The learned Government Advocate (Crl. Side) fairly submits that no previous criminal case is pending against the petitioners and the injured has been discharged from the hospital and there is property dispute between the parties.



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However, he opposed to grant anticipatory bail to the petitioner.

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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, the fact that no previous case is pending against the petitioners, that the injured has been discharged from the hospital and that there is property dispute 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 bonds 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 Judicial Magistrate No.II, Usilampatti, 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.

[d] the petitioners shall not abscond either during investigation or trial.



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[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

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/01/2025

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

SM
TO

1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
UTHAPANAICKANUR POLICE STATION MADURAI



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

ORDER
IN
CRL OP(MD) No.23097 of 2024
Date :27/12/2024

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

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