



CRL OP(MD). No.23130 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.Paramasivam

2.Hari Prasath

... Petitioners/ Accused No.2 & 4

Vs

The Inspector of Police,
Arumuganeri Police Station,
Thoothukudi District.
(Crime No.404 of 2024).

... Respondent/Complainant

For Petitioner : Mr.K.Karansingh, Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.404 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused 2 and 4, 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.404 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 20.12.2024, when the defacto



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complainant was sitting in front of Karuppasamy Temple Ground, the accused persons have approached him and asked ganja, for which, defacto complainant replied them that he had no ganja. Therefore, the accused persons have scolded him in filthy language and assaulted him. Hence, the complaint.

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

4. The learned Government Advocate (Crl. Side) would submit that on 20.12.2024, when the defacto complainant was sitting in front of Karuppasamy Temple Ground, the accused persons have approached him and asked ganja, for which, defacto complainant replied them that he had no ganja. Therefore, the accused persons have scolded him in filthy language and assaulted him. The injured person has been discharged from the Hospital. He further submit that there is no previous case as against the petitioners. The investigation in this case is at initial stage, hence strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the representation made by the learned counsel on either side, the nature of offences charged against the petitioners, that the injured was discharged from hospital and that no previous case is pending against the petitioners, I am



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inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

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- a) Accordingly, this Criminal Original petition is ordered and 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, Tiruchendur and on further conditions that:
- b) the petitioners shall report before the respondent Police on every Saturday at 10.00 A.M. for a period of 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.
- 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



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Kerala [(2005)AIR SCW 5560].

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

VRN

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ARUMUGANERI POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.23130 of 2024
Date :27/12/2024

RS/SKN/SAR-(08.01.2025) 4P 5C
Madurai Bench of Madras High Court is issuing
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