



CRL OP(MD). No.23118 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.23118 of 2024

Thiyagarajan

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu
represented by,
The Inspector of Police,
Manachanallur Police Station,
Trichy District.
(Crime No.298 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.298 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Sivabalan

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

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 329(3), 296(b), 115(2) and 351(3) of BNS,



CRL OP(MD). No.23118 of 2024

2023, in Crime No.298 of 2024, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution is that there is a pathway dispute between the petitioner and the defacto complainant. On the date of occurrence, the petitioner is said to have assaulted the defacto complainant with wooden log and threatened him with dire consequences. Thereafter, the defacto complainant was admitted in the Hospital. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is law-abiding citizen and he is 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 petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that, due to a pathway dispute between the petitioner and the defacto complainant, the petitioner abused the defacto complainant with



CRL OP(MD). No.23118 of 2024

filthy language and assaulted the defacto complainant with wooden log and that he sustained injuries and was admitted to the hospital. He further submitted that there are no previous cases pending against the petitioner and that the injured was discharged from the hospital. However, he vehemently opposed the grant of anticipatory bail to the petitioner.

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 petitioner and there is a property dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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.III, Trichy District**, on condition that the petitioner shall execute a bond for a



CRL OP(MD). No.23118 of 2024

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 petitioner shall report **before the respondent police daily at 10.30 a.m. for a period of 30 days;**

[b] the petitioner 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

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

[d] the petitioner 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 petitioner in accordance with



CRL OP(MD). No.23118 of 2024

WEB COPY

law as if the conditions have been imposed and the petitioner 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

/ TRUE COPY /

/01/2025

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

PAL

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANACHANALLUR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.23118 of 2024

+1 CC to M/s.K.SIVABALAN, Advocate (SR-15879[I] dated 27/12/2024)

ORDER
IN
CRL OP(MD) No.23118 of 2024
Date :27/12/2024

SS/SKN/SAR- /02/01/2025/ 6P/6C

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