



CRL OP(MD). No.23146 of 2024

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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.23146 of 2024

Simiyon Masilamani

... Petitioner / Accused
Rank Not Known

Vs.

The State of Tamil Nadu
represented by,
The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.
(Crime No.854 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.854 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Maharaja, 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

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1) and 351(3) of BNS, 2023, in Crime No.854 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 21.12.2024, the defacto complainant went to take water from the common pipe situated near to John Shop, the accused persons abused the defacto complainant in filthy language and attacked the defacto complainant with knife and he sustained injuries. 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, the accused persons abused the defacto complainant with



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filthy language and assaulted the defacto complainant with knife and that he sustained injuries. He further submitted that there is one previous case pending against this petitioner. 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 though there is one previous case pending against the petitioner already bail was granted in the case, 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, Nanguneri, 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



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the satisfaction of the learned Magistrate concerned, and on further conditions that:

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[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for a period of 4 weeks;

[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 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];



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

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TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3. THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION, TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.23146 of 2024

Date :27/12/2024

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

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