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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.91 of 2025

1. R.Vembaiyan,
S/o.Rengasamy,
283/1, Kallar Street, Thippan Viduthy,
Vengarai Village, Orathanadu Taluk,
Thanjavur District.
2. Senthil @ Karupaiya,
S/o.Annasamy,
Door No.5/82/2, Thippan Viduthy,
Vengarai Village, Orathanadu Taluk,
Thanjavur District.
3. R.Solaiyan,
S/o.Rengasamy,
Door No.283, South Street,
Thippan Viduthy, Vengarai Village,
Orathanadu Taluk, Thanjavur District..
4. Kumar @ Selvakumar,
S/o.Annamalai,
Door No.387, Kallai North Street,
Thippan Viduthy, Vengarai Village,
Orathanadu Taluk, Thanjavur District.

... Petitioners/ Accused Nos.1 to 4

Vs



1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
Crime No. 378 of 2024.

... Respondent/Complainant

2. M.Chandra

... Intervener/ Complainant
in CrI.M.P(MD).No.888 of 2025

For Petitioners : Mr.N.Marimuthu,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (CrI.Side)

For Intervener : Mr.A.N.Ramanathan, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER:-

For Anticipatory Bail in Crime No.378 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent Police for offences under Sections 296(b), 118(1), 115(2) and 74 of BNS, 2023 in Crime No.378 of 2024 on the file of the respondent Police, seek anticipatory bail.



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2. The case of the prosecution is that there was previous enmity between the parties regarding a temple dispute. When the defacto complainant and her family went to the condolence of a relative and was returning back, the accused persons are said to have intercepted the defacto complainant and her family members and abused them in filthy language and attacked them and threatened them with dire consequences.

3. When the matter came up for hearing on 10.01.2025, the learned counsel appearing for the intervener submitted that it is a case of ex-communication of the defacto complainant and her family members and that already writ petitions were filed before this Court in this regard and as a consequence, the present incident took place where the defacto complainant and her family members were abused in filthy language and attacked and threatened with dire consequences.

4. This Court considering the earlier orders passed in the Writ Petitions filed, directed the petitioners to file an undertaking affidavit before this Court that they will not cause any threat or hindrance or disturbance to the defacto complainant and her family members in future and if at all there is any dispute, it will only be resolved before the competent Court / forum.



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5. When the matter was taken up for hearing today, the undertaking affidavit of the petitioner was filed and the relevant portion is extracted hereunder:

“3. I respectfully submit that we / petitioners will not indulge or interfering any illegal activity as against the defacto complainant Chandra. Moreover the petitioners will not disturb the defacto complainant in future and the dispute between the petitioners and the said Chandra will be sought out before the proper competent forum. The dispute regarding the temple and the other festival related issues will be sought out based on the pending cases before the Court concerned.”

6. The undertaking affidavit filed by the petitioners is taken into consideration. It is also made clear that neither the petitioners nor any other person in the Village will prevent the defacto complainant and her family members from attending any public function or public festival including temple festival.



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7. Considering the above, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

8. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties (common surety) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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



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[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 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

Sd/-
24/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai -625 023

tsg

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.



2. DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
WEB COPY THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-789[I] dated 24/01/2025)
+1 CC to Mr.A.N.Ramanathan, Advocate (SR-794[I] dated 24/01/2025)

ORDER
IN
CRL OP(MD) No.91 of 2025
Date :24/01/2025

ES/SKN/SAR /04.02.2025/ 7P/7C

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