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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.820 of 2025

Dhanapandi

... Petitioner / Accused No.2

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.807 of 2024)

... Respondent / De-facto Complainant

For Petitioner : Mr.S.Mahendrapathy,
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

For Intervenor : Mr.D.Balamurugapandian,
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.



WJ PRAYER:-

For Anticipatory Bail in Crime No. 807 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 316(2) and 318(4) of BNS, in Crime No.807 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was introduced to the petitioner and his brother and he was given an impression that they will be able to secure a job in the Police Department for the son of the defacto complainant. Accordingly, a total sum of Rs.5 lakhs was paid. Later, no job was secured and the amount was also not repaid back. There are totally 2 accused persons in this case and the petitioner has been arrayed as A2.

3. Heard the learned counsel on either side and perused the material records of the case.



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4. Taking into consideration the facts and circumstances of the case and considering the nature of defence that has been taken by the petitioner to the effect that there was a business transaction between the parties and also considering the fact that there are no previous cases against the petitioner and taking note of the fact that the defacto complainant has paid money for getting job in the Police Department for his son, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.V, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.



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[b] the petitioner shall appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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].

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

Sd/-
23/01/2025

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/02/2025

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

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TO
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- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI.
- 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
S.S.COLONY-POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-759[I] dated 23/01/2025)

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-802[I] dated 24/01/2025)

ORDER

IN

CRL OP(MD) No.820 of 2025

Date :23/01/2025

ES/SKN/SAR /07.02.2025/ 5P/7C

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