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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.932 of 2025

1. Muthuramalingam

2. Balamurugan

3. Saivadurai @ Saivapandian

4. Kumaraguru

... Petitioners/ Accused rank not known

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Mudukulathur Taluk Police Station,
Ramanathapuram District.
Crime No.298 of 2024.

... Respondent/Complainant

For Petitioner : Mr.P.Balamurugan, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER:-

For Anticipatory Bail in Crime no.298 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 189(2), 118(2), 351(3) and 303(2) of BNS (hereinafter referred to as new penal code) in Crime No.298 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the husband of the defacto complainant and brother had gone to participate in a public auction at Municipality office for the weekly market. At that time, the accused persons attacked the defacto complainant's husband and brother with wooden log and hands, as a result of which, both of them sustained serious injuries. That apart, 15 sovereigns of gold was also stolen.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally six named accused persons and others involved in this case and the first petitioner has been arrayed as A3. Insofar as the other petitioners, no rank has been assigned to them till date.



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4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent police.

5. Taking into consideration the facts and circumstances of the case and considering the fact that for the same incident, 2 FIRs were registered and one FIR was based on the complaint given by the defacto complainant and other FIR in Crime No.297 of 2024 based on the complaint given by the official where the defacto complainant's husband and the brother were also made as accused and considering the fact that all the accused persons in that case were granted anticipatory bail by this Court in Crl.OP(MD).No.22923 of 2024 by an order dated 27.12.2024 and also taking note of the fact that the injured has been discharged from the hospital and also considering the fact that in the present case A1, A2, A4 and A5 were already granted anticipatory bail by this Court in Crl.O.P(MD)No.22981 of 2024, by order dated 10.01.2025, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this criminal original petition is ordered and 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, Mudukulathur, Ramanathapuram, on



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condition that the petitioners 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 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 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.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

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

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

[f] 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 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 Kerala [(2005) AIR SCW 5560]*; and;



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

sd/-
20/01/2025

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/01/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

1 THE JUDICIAL MAGISTRATE
MUDUKULATHUR, RAMANATHAPURAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
MUDUKULATHUR TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.P.BALAMURUGAN, Advocate (SR-532[I] dated 20/01/2025)

ORDER
IN
CRL OP(MD) No.932 of 2025
Date :20/01/2025

SS/SKN/SAR- /31/01/2025/ 5P/6C

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