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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 27.01.2025

PRESENT

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.1193 of 2025

Selvakumar

... Petitioner/ Accused No.1

Vs

State through Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.286 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.A.B.Jeeva,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS.

PRAYER :-

For Anticipatory Bail in Crime No.286 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 offence under Sections 191(2), 296(b), 118(1), 351(3) of BNS & Section 4 of TNPHW Act, in Crime No.286 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was previous enmity between the parties, and on 08.09.2024, when the de facto complainant and his sister were present in the house, the petitioner and other accused persons are said to have scolded them in filthy language, attacked them with stones, and threatened them with dire consequences. This incident took place based on the FIR that was registered against the petitioner and is pending investigation in Crime No.272 of 2024.

3. The learned counsel for the petitioners submits that a false case has been foisted against the petitioner and that the petitioner has been making repeated complaints for taking action against the encroachers. The learned counsel further submits that there was a previous incident, wherein the husband of the de facto complainant, along with others, brutally attacked the petitioner and A4. Based on the



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same, a complaint was lodged against the husband of the de facto complainant and five others, and an FIR in Crime No.274 of 2024 was registered. The learned counsel further submits that, in order to wreak vengeance, a false complaint has been lodged before the respondent police.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that there are 6 previous cases against the petitioner. The learned Government Advocate further submits that both parties are giving complaints against each other, and this incident has taken place only by virtue of the pending investigation against the petitioner in Crime No. 272 of 2024.

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

6. Taking into consideration the facts and circumstances of the case, considering the nature of the dispute between the parties and taking note of the above submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 days from the date on which the order copy made ready, before the learned Judicial Magistrate, Radhapuram, Tirunelveli District 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.

[b] the petitioner shall report before the respondent police on every Monday at 10:00 a.m. for a period of 4 weeks and thereafter, as and when required for interrogation.

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



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[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/-
27.01.2025

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

JEN



TO
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- 1 THE JUDICIAL MAGISTRATE,
RADHAPURAM, TIRUNELVELI DISTRICT.
 - 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.B.JEEVA, Advocate (SR-901[I] dated 27/01/2025)

ORDER
IN
CRL OP(MD) No.1193 of 2025
Date :27/01/2025

ES/SKN/SAR. /12.02.2025/6P/6 C

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