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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.1382 of 2025

1. Benitto @ Benitto James,
S/o. James,
No. 11/23a,
Soosaiyappar Street,
Kurumpanai, Kalkulam,
Kanyakumari District - 629251..

2. Antony J,
S/o. Jelastin,
No. 7/1020,
Government Hospital Opposite,
Muttom, Kalkulam,
Kanyakumari District - 619202.

... Petitioners/ Accused Nos.1 and 2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.
Crime No. 192/2024.

... Respondent/ Complainant

For Petitioners : Mr.T.Wins, Advocate.

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

<https://www.mhc.tn.gov.in/judis>



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER:-

For Anticipatory Bail in Crime No.192/2024, on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent Police for offences under Sections 126, 296(b), 115(2), 118(1) and 351(3) of BNS, 2023 and subsequently, the same was altered under Sections 126, 296(b), 115(2), 118(2) and 351(3) of BNS, 2023 in Crime No.192 of 2024 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that there was a dispute regarding the hike in the wages payable to the load man. At that point of time, there was a wordy quarrel and on 08.12.2024, the accused persons are said to have abused the defacto complainant and his brother in filthy language and assaulted him and his brother causing serious injuries and also threatened with dire consequences. There are totally four accused persons in this case and the petitioners have been arrayed as Accused Nos.1 and 2.



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3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

4. Taking into consideration the facts and circumstances of the case and considering the manner in which this incident had taken place and taking note of the fact that there is a case and counter case pending investigation in Crime Nos.191 and 192 of 2024 and considering the fact that the injured has been discharged and there are no previous cases against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

5. 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, Eraniel, on 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:



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[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;

[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.



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TO

- 1 THE JUDICIAL MAGISTRATE,
ERANIEL.
- 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
VELLICHANDTHA POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.1382 of 2025
Date :24/01/2025

ES/SKN/SAR /10.02.2025/ 5P/5C

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