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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.1478 of 2025

Sankar

... Petitioner/2nd Accused

Vs

The State of Tamil Nadu
rep. by The Inspector of Police,
Radhapuram Police Station,
Radhapuram,
Tirunelveli District.
(Crime No.23 of 2025)

... Respondent/Complainant

For Petitioner : Mr.S.Palanivelayutham,
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.23 of 2025 on the file of the respondent police.

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



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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 329(4), 296(b), 308(2), 351(2) of BNS, 2023 and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.23 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons have threatened the de facto complainant to pay an amount as Mamul and have stated that they will not allow the de facto complainant to run the business without paying Mamul. When the same was questioned, the accused persons are said to have abused the de facto complainant in filthy language, attacked him, and threatened him with dire consequences. There are totally two accused. The petitioner has been arrayed as A2. A1 was already arrested in this case.

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, considering the nature of allegations and taking note of the fact that there are no previous cases against the petitioner, 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, Radhapuram, 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 Friday at 10:30 a.m. for a period of 6 weeks and thereafter, as and when required for interrogation.



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[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/-
27/01/2025

/ 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,
RADHAPURAM
- 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
RADHAPURAM, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-917[I] dated 27/01/2025)

ORDER
IN

CRL OP(MD) No.1478 of 2025
Date :27/01/2025

ES/SKN/SAR /03.02.2025/ 5P/6C

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