



CRL.O.P.(MD)No.1709 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 29.01.2025

PRESENT

THE HON`BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.1709 of 2025

1.Malarkodi

2.Ganapathy

... Petitioners/ A1 & A2

Vs

The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
(Crime No.28 of 2025)

... Respondent/ Complainant

For Petitioners: Mr.M.Raghul, Advocate
for M/s.Gandhi Associates,

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.28 of 2025 on the file of the respondent police.



CRL.O.P.(MD)No.1709 of 2025

ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 296(b), 118(1), 351(2) of BNS, 2023, in Crime No.28 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a pathway dispute between the parties. On the date of the incident, the accused persons are said to have obstructed the pathway of the de facto complainant and abused him in filthy language and also attacked him with a stick, as a result of which the de facto complainant sustained injuries. They also threatened the de facto complainant with dire consequences. There are totally 3 accused persons in this case. The petitioners have been arrayed as A1 and A2.

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

4. Taking into consideration the facts and circumstances of the case and considering the manner in which the entire incident has taken place and taking note of the fact that the injured has been discharged from the hospital and there is one previous case against A2 and there is no previous case against A1, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of



CRL.O.P.(MD)No.1709 of 2025

WEB COPY

their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.V, Tiruchirappalli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common 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 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.

[b] the petitioners shall appear 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 petitioner 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



CRL.O.P.(MD)No.1709 of 2025

in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
29/01/2025

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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

1 THE JUDICIAL MAGISTRATE NO.V,
TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUCHIRAPPALLI DISTRICT.

3 THE INSPECTOR OF POLICE,
SOMARASAMPETTAI POLICE STATION,
TRICHY DISTRICT.

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



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CRL.O.P.(MD)No.1709 of 2025

ORDER
IN
CRL OP(MD) No.1709 of 2025
Date :29/01/2025

SA/SKN/SAR. /17.02.2025/5P/5C

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