



CRL.O.P.(MD)No.8814 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.05.2025

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THE HONOURABLE MR.JUSTICE P.VADAMALAI

CRL.O.P.(MD)No.8814 of 2025

Nithishkumar

... Petitioner / Accused No.3

Vs.

State of Tamil Nadu rep. By,
The Inspector of Police,
Uthamapalayam police station,
Theni District.
(Crime No.148 of 2025)

... Respondent

Prayer: Criminal original petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.148 of 2025 on the file of the respondent police.

For Petitioner : Mr.G.Sarathkumar

For Respondent : Mr.K.Gnanasekaran,
Government Advocate(Crl. Side).

* * *

ORDER

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023 in Crime No.148 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 29.04.2025, at about 10.30 pm., the first



CRL.O.P.(MD)No.8814 of 2025

accused attacked the defacto complainant with knife and the accused 2 and 3 pushed away the defacto complainant and all the accused threatened to kill the defacto complainant. Hence, the case has been registered.

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3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner will never abscond and will not tamper the witnesses and also ready to abide by any condition imposed by this Court and hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl side) would submit that the injured discharged from the hospital. The petitioner is having two previous cases and the co-accused were released on bail.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the injured discharged from the hospital and the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6. 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, Uthamapalayam,



CRL.O.P.(MD)No.8814 of 2025

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Theni 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:

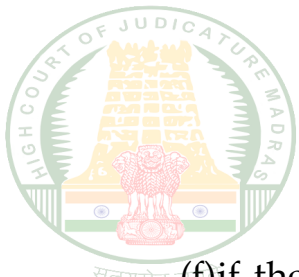
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation;

(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]; and;



CRL.O.P.(MD)No.8814 of 2025

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(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

sd/-
21/05/2025

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/05/2025
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, UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,UTHAMAPALAYAM,
UTHAMAPALAYAM TALUK, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8814 of 2025
Date :21/05/2025

NBF/29.05.2025 4P/5C

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