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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.12899 of 2025

V.Muktheeswaran,
S/o.Viswanathan

... Petitioner/A1

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.163 of 2025)

... Respondent/Complainant

For Petitioner : Mr.Karansingh K,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.163 of 2025 on the file of the Respondent Police.

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ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 109 and 351(3) of BNS, 2023 in Crime No.163 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the de-facto complainant and two others were attempting to cross a speed bump on a two-wheeler, an Innova car came from behind and hit the de-facto complainant's vehicle. As a result, they fell onto the tar road, sustaining swelling and bleeding injuries. Thereafter, the petitioner and his brother allegedly got out of the car, abused the de-facto complainant using filthy language, and assaulted him with their hands and stone, thereby causing severe injuries. Hence, a case was registered.

3. The learned counsel appearing for the petitioner submitted that it is a case, case in counter. The petitioner is an innocent person and has not committed any offence as alleged by the prosecution. A case has also been registered by the petitioner against the de-facto complainant in Crime No.162 of 2025 on the file of

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the respondent police. He further submitted that A2 and A3 were arrested and subsequently released on bail by the learned Principal Sessions Judge, Madurai, on 24.07.2025 in Crl.M.P.No.3251 of 2025. He, however, submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl. side) submitted that there are totally three accused persons in this case and the petitioner has been arrayed as A1. A2 and A3 were arrested and subsequently released on bail by the learned Principal Sessions Judge, Madurai, on 24.07.2025 in Crl.M.P.No.3251 of 2025. He further submitted that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, the nature of the offence, and also taking note of the fact it is a case, case in counter, and that the injured has been discharged from the hospital, and that as the date of occurrence is 03.07.2025, by this time most of the investigation might have been completed, this court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

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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 No.2, Madurai, 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 Judicial Magistrate No.2, Madurai, 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 furnish his residential address and mobile number to the learned Judicial Magistrate No.2, Madurai. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.2, Madurai;

(c) the petitioner shall report before the respondent police daily at 05.30 p.m.

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until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
04/08/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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MKN
TO

1 The Judicial Magistrate No.Ii,
Madurai.

2 Do Through
The Chief Judicial Magistrate,
Madurai District.

3 The Inspector of Police,
Silaiman Police Station,
Madurai District.

4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.KARANSINGH, Advocate (SR-8459[I] dated 06/08/2025)

ORDER
IN
CRL OP(MD) No.12899 of 2025
Date :04/08/2025

NM/28.08.2025/ 6P/6C

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

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