

CRL OP(MD). No.18891 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/01/2025

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

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1. Sethuran @ Ramar,
2. Priya ... Petitioners/ Accused No.1 & 8

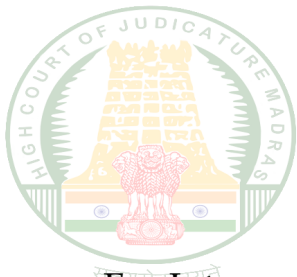
Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
Crime No. 157/2024.

2. State Rep By,
The Circle Inspector of Police,
Circle Police Station Watrap,
Virudhunagar District.
(R2 is Impleaded as Per Order of the Court
dated 07.11.2024 in Crl.M.P(MD) No.11921 of 2024)
... Respondents/Complainants

3.Rajalingam ...Intervening Petitioner/
Defacto complainant

For Petitioner : Mr.Mayilvahana rajendran, Advocate
for Mr. Raja A, Advocate.



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For Intervenor : Mr. Mohaideen Basha
Advocate
For Respondent : Mr. A. Thiruvadikumar,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

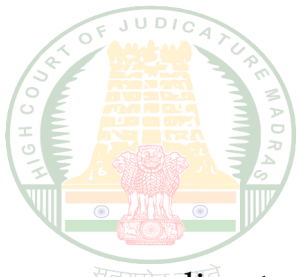
For Anticipatory Bail in Crime No. 157 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A8, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 351(3) of BNS and Section 4 of TNPHW Act in Crime No.157 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 16.08.2024 at about 9.30 pm., when a dal padal program was going on in the temple festival the accused persons said to have attacked the defacto complainant and his brother with deadly weapons and caused injuries. Hence the case came to be registered.

3. The learned counsel appearing for the petitioners would submit that even



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according to the defacto complainant fight arose during the temple festival and it was due to some previous enmity . The first petitioner is the Panchayat President and the second petitioner is his daughter. Since the first petitioner is holding the post of panchayat president and having good name inorder to spoil his reputation a false case has been foisted against him. Further it is a motivated complaint. Further in this case the second petitioner has lodged a complaint against Rajalingam and Suresh giri. He further submitted that the injured was now discharged from the hospital and occurrence said to have taken place in the year 2024 hence he seeks anticipatory bail.

4. The learned counsel appearing for the defacto complainant vehemently objected to grant anticipatory bail to the petitioners stating that the first petitioner has caused serious injuries on the defacto complainant and the injuries are very serious. He further submitted that in this case the occurrence took place on 16.08.2024 and till now no arrest has been made and the accused are freely moving in the village. He would also submit that he also filed a writ petition before this Court in WP(MD) No.26468 of 2024 to direct the 3rd respondent to issue necessary direction to the 5th respondent herein to implicate the 6th respondent as an accomplice in Crime No. 157/2024 on the file of the 4th respondent, under investigation by the 5th respondent in connection with this case.



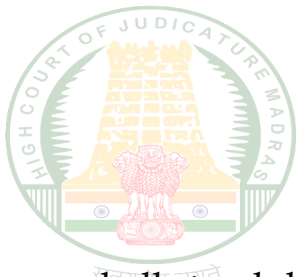
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5.The learned Additional Public Prosecutor appearing for the respondent would submit that on 16.08.2024 at about 9.30 pm.,when adal padal program was going on in the temple festival the accused persons said to have attacked the defacto complainant and his brother with deadly weapons and caused injuries, hence he opposed to grant anticipatory bail to the petitioners.

6.Taking into consideration the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital and also the fact that all the persons are living in the same village, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Additional Mahila Court, Srivilliputhur, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail



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shall stand dismissed and on further condition that:

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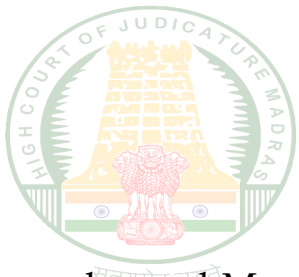
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and the second petitioner 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 petitioners released on bail by the



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court
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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 229A IPC.

sd/-
28/01/2025

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28/01/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1.The Judge, Additional Mahila Court, Srivilliputhur,

2.The the Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.

3.The Circle Inspector of Police,
Circle Police Station Watrap,
Virudhunagar District.

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

ORDER
IN
CRL OP(MD) No.18891 of 2024
Date :28/01/2025



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