



CRL OP(MD). No.22305 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22305 of 2024

Gopinath

... Petitioner / Sole Accused

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
AWPS Thallakulam,
Madurai.
(Crime No.57 of 2024)

... Respondent / Complainant

B.Rajabharathi

...Petitioner/Defacto Complainant
in CRL MP(MD)No.55/2025

For Petitioner : Mr.R.Ramanujam, Advocate
for M/s.Gandhi Associates
Advocate

For Respondent : Mr.A.Albert James,
Government Advocate
(Criminal Side)

Mr.D.Shanmugaraja Sethupathi, Advocate
for Intervenor



CRL OP(MD). No.22305 of 2024

WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.57 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

When the matter came up for hearing on 18.12.2024, this Court passed the following order:

“The petitioner / Sole Accused, who apprehends arrest at the hands of the respondent Police for the offences under Sections 85, 118 (1) and 126 of BNS in Crime No.57 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was treated with cruelty by the petitioner, who is the husband of the defacto complainant.

3. It is seen that the dispute between the petitioner and the defacto complainant has been going on from the year 2016 onwards. Out of the wedlock, there are two children-one girl child aged about 10 years and another male child aged about thirteen years and both children are now in the custody of the petitioner.



CRL OP(MD). No.22305 of 2024

WEB COPY

4. Taking into consideration the facts and circumstances of the case and considering the fact that there is a matrimonial dispute involved in this case, there shall be a direction to the petitioner and the defacto complainant to appear before the Mediation and Conciliation Centre attached to this Bench on 03.01.2025 at 03.00 p.m. The process of mediation shall be commenced immediately. Every time when the petitioner appears before the Mediation Centre, he is directed to bring the children along with him.

5. Post this case before this Court on 30.01.2025. In the meantime, the mediation report shall be filed before this Court and the petitioner shall not be arrested by the respondent Police.”

3. When the matter was taken up for hearing today, the mediation report was placed before this Court and it is seen that the mediation attempt has failed.

4. Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties, no custodial interrogation may be required in this case and hence, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

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CRL OP(MD). No.22305 of 2024

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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 No.II, 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 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 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



CRL OP(MD). No.22305 of 2024

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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/-
30/01/2025

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/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
AWPS THALLAKULAM,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-1184[I] dated 31/01/2025)

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CRL OP(MD). No.22305 of 2024

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+1 CC to M/s.M/S.GANDHI ASSOCIATES, Advocate (SR-1231[I] dated 31/01/2025
)

ORDER
IN
CRL OP(MD) No.22305 of 2024
Date :30/01/2025

RK/SKN (17/02/2025) 6P / 7C

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