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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22395 OF 2024

1. Akash

2. Selvarani

... Petitioners / Accused No.1 & 2

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
AWPS, Samayanallur,
Madurai District.
(Crime No.50 of 2024)

... Respondent/Complainant

For Petitioners : Mr.S.Mahendrapathy,
Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 50 of 2024 on the file of the respondent police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

When the matter came up for hearing on 19.12.2024, this Court passed the following order:

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 318, 64, 296(b) and 351(2) of BNS, in Crime No.50 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 had a love affair with the defacto complainant and with the false promise to marry, had physical intercourse with the defacto complainant. After she became pregnant, A1 started avoiding the defacto complainant. A2, who is the mother of A1 was also threatening the defacto complainant with dire consequences.

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



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4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant interim anticipatory bail to the petitioners.

5. Accordingly, the petitioners are 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, Vadipatti, 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.



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[b] the petitioners 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 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].

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



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6. The first petitioner (A1) shall be present before the mediation centre attached to this Court on 02.01.2025 at 3.00 p.m. The respondent police shall inform the defacto complainant also to be present before the mediation centre on that date. The process of mediation centre shall continue and the mediation report shall be filed before the next date of hearing.

7. Post this case on 23.01.2025.

2. The mediation report has been received and it is seen that the parties were not able to reach any settlement.

3. Considering the conduct of the 1st petitioner, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Taking into account the fact that the 2nd petitioner is the mother of the 1st petitioner and there is no specific overt act against her, the interim anticipatory bail granted to the 2nd petitioner alone is made absolute.



4. Accordingly, this Criminal Original Petition is dismissed in respect of the
1st petitioner and ordered in favour of 2nd petitioner.

Sd/-
23/01/2025

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

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TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTI.
- 2 -DO -THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
AWPS, SAMAYANALLUR,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.22395 of 2024
Date :23/01/2025

ES/SKN/SAR /12.02.2025/ 6P/5 C

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