



CRL OP(MD). No.22374 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
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1.Karthick Selvan
2.Venkatesh Babu

... Petitioners / A1 & A3

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
AWPS Thilakar Thidal,
Madurai City.
(Crime No.19 of 2024)

... Respondent / Complainant

V.Karthika

... Petitioner/Intervener

In CRL MP(MD).56/2025 in CRL OP(MD).22374/2024

For Petitioner : Mr.A.Mohamed Ismail, Advocate
For Respondent : Mr.A.Albert James,
Government Advocate (Criminal Side)
For Intervenor : Mr.Jaya Vasanthan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.19 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:

<https://www.mhc.tn.gov.in/judis> "The petitioners / Accused Nos.1 and 3, who apprehend arrest at



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the hands of the respondent Police for the offence under Sections 498(A), 406, 294(b) and 34 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act (TNPWH Act) in Crime No.19 of 2024, on the file of the respondent Police, seek anticipatory bail.

2. The complaint itself came to be given by the defacto complainant, since there is a matrimonial dispute. The first petitioner is the husband and the second petitioner is the brother-in-law of the defacto complainant.

3. Taking into consideration the facts and circumstances of the case and considering the fact that the marriage itself had taken place in the year 2022, this Court is inclined to refer the matter to the Mediation and Conciliation Centre attached to this Bench and the first petitioner and the defacto complainant shall be present before the Mediation Centre on 02.01.2025 at 03.00 p.m. Insofar as the second petitioner / brother-in-law is concerned, this Court is inclined to grant anticipatory bail to the second petitioner subject to the following conditions.

4. Accordingly, the petitioner No.2 is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order,



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before the learned Judicial Magistrate No.V, Madurai on condition that the petitioner No.2 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 said Magistrate, on further condition that:

[a] if the petitioner No.2 fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner No.2 shall report before the respondent police as and when required for interrogation;

[c] the petitioner No.2 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner No.2 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 No.2 in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



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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;

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

5. The first petitioner and the defacto complainant shall be present before the Mediation and Conciliation Centre attached to this Bench on 02.01.2025 at 03.00 p.m. and the process of mediation shall be commenced immediately and a report shall be filed before this Court on 30.01.2025. In the meantime, the first petitioner shall not be arrested by the respondent Police. ”

2. 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.

3. 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 petitioners with certain conditions:

4. 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 No.V, Madurai, on



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condition that the petitioners 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 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 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 269 of BNS, 2023.

sd/-

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/02/2025

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

PKN

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, AWPS THILAGAR THIDAL,
MADURAI CITY, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-1159[I] dated 30/01/2025)

ORDER IN

CRL OP(MD) No.22374 of 2024

Date :30/01/2025

RS/SKN/SAR-(18.02.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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