



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.17724 of 2022

1. Shreetharan
2. George
3. Vijin
4. Shajin @ Saji
5. Sasikumar
6. Krishnamani
7. Lohidas
8. Raj
9. Rajaiyan

... Petitioners/Accused
1 to 8 and 10

Vs

The State Rep. By,
The Inspector of Police,
Karungal Police Station,
Kanniyakumari District.
Crime No. 283 of 2022.

... Respondent/Complainant

For Petitioners : Mr.Narayanakumar.K.P,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.283 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 147 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.283 of 2022, seek anticipatory bail.



2.The case of the prosecution is that the petitioners demolished the community hall owned by the Killiyoor Town Panchayat with Hitachi Machine. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the community hall is aged about 40 years and it is not use for human usage. The same is in dilapidated condition. The drug addictors and liquor drinkers causing hindrance to the public by using the said community hall. He further submitted that since the building in dilapidated condition, if any natural calamities comes, it may cause death to the local people. Hence, the petitioners demolished the community hall.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioners demolished the community hall, which belongs to the Government and the investigation is pending.

5.Considering the facts and circumstances of the case and the fact that the community hall is in a dilapidated condition and the same is used for illegal activities, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

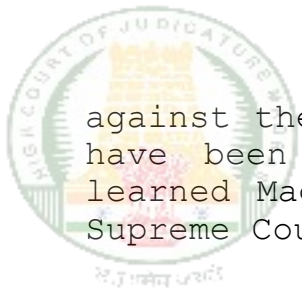
[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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/10/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-11036[I] dated 07/10/2022)

ORDER
IN
CRL OP(MD) No.17724 of 2022
Date :06/10/2022

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