



CrI.O.P.No.19099 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.19099 of 2023

1.Subramaniyan

S/o.Samiappan

2.Dineshkumar

S/o.Velusamy

3.N.S.N.Nataraj

S/o.Samiappa Gounder

... Petitioners/Accused 1, 2 & 4

VS

State represented by

Sub-Inspector of Police,

Kangayam Police Station,

Tiruppur District.

(Crime No.380 of 2023)

...Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent police in Crime No.380 of 2023 on the file of respondent police.

For Petitioners : Mr.M.R.Thangavel

For respondent : Mr.M.Babu Muthu Meeran
Additional Public Prosecutor



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ORDER

This petition has been filed seeking for anticipatory bail on the apprehension of arrest for the alleged offences under Sections 143, 147, 148, 457, 427 of I.P.C. and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1984, in Crime No.380 of 2023.

2. The case of the prosecution is that on 08.08.2023 at about 11.00 p.m., A1 and A2 along with A3 had damaged the property belonging to the de-facto complainant. A4 is said to have instigated the other accused persons to commit the offence.

3. Heard Mr.M.R.Thangavel, learned counsel for the petitioners and Mr.M.Babu Muthu Meeran, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. It is brought to the notice of this Court that the first and second petitioners (A1 and A2) surrendered before the learned Judicial



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Magistrate, Kangayam today and they were granted bail. That apart, A5 was already granted Anticipatory Bail in Crl.O.P.No.18916 of 2023.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the main accused persons have been granted bail and considering the overt act attributed against the petitioners, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of one week from the date on which the order copy made ready, before the **learned Judicial Magistrate, Kangayam, Tiruppur District** on condition that the petitioners shall execute separate bonds 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:



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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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 5.30 p.m. for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper the 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 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 Section 229A IPC.

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Index: Yes/No
Internet: Yes/No
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To.

- 1.The Judicial Magistrate,
Kangayam, Tiruppur District.
- 2.The Sub-Inspector of Police,
Kangayam Police Station,
Tiruppur District.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH., J.

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