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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

PRESENT

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

CRL OP(MD) . No.8886 of 2023

Subramani,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Keeranur Police Station,
Dindigul District.
(Crime No. 87 of 2023)

... Respondent/Complainant

For Petitioner : M/s.Ramesh.A, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.87 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 28.04.2023 for the offences punishable under Sections 447 IPC r/w 3(1) of Prevention of Damage to Public Property Act, 1984 in Crime No.87 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner illegally trespassed into the Government land by damaging the fencing stones and barbed wires to the value of Rs.40,000/-. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner had a dispute with the adjacent land owner and he has been falsely implicated in this case, hence, he prayed for



4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the petitioner caused damages worth of Rs.40,000/- and also attempted to encroach the Government property.

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5. Taking into consideration of the facts and submissions made by the learned counsels, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate, Palani, Dindigul District, and on further conditions that:

[b] 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.

[c] After coming out from prison, within two days, the petitioner shall file an undertaking affidavit before the learned Magistrate that he will not encroach the Government property in future, failing which, the bail already granted shall stand dismissed automatically;

[d] the petitioner shall report before the respondent police daily at 10.30 A.M., for a period of three months and thereafter, as and when required for interrogation;

[e] the petitioner shall not commit any offences of similar nature.

[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] On breach of any of the aforesaid conditions, the learned Judicial 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].



[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
PALANI, DINDIGUL DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL
- 4 THE INSPECTOR OF POLICE
KEERANUR POLICE STATION, DINDIGUL DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO Mr.A.RAMESH, Advocate Sr.No.7455 dated 18/05/2023

ORDER
IN
CRL OP(MD) No.8886 of 2023
Date :17/05/2023

PKP/VR/SAR- /17.05.2023/ **3P/7C**