



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

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

CRL OP(MD) . No.9116 of 2023

1. K.Sathish

2. K.Dinesh @ Dinesh Kumar ... Petitioners/2nd & 3rd Accused

Vs

State Rep.by
The Sub Inspector of Police,
Thallakulam Police Station,
Madurai District
(Crime No.376 of 2023).

... Respondent/Complainant

For Petitioners : M/s.Gunaseelanmuthiah.J,
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.376 of 2023 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 offences punishable under Sections 294(b), 452 of IPC and Section 4 of Tamil Nadu Public Property (Prevent of Damage and Loss) Act, 1992, in Crime No.376 of 2023, seek anticipatory bail.

2.The case of the prosecution is that on 13.04.2023, the accused persons damaged the wall belonging to the defacto complainant and threatened his advocate. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. However, he further submitted that the



petitioners, without prejudice to their rights, are ready to pay the amount that may be imposed by this Court.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the petitioners caused damages worth about Rs.25,000/- and the investigation is not yet completed

5.Considering the facts and circumstances of the case and also the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit to the credit of Crime No.376 of 2023 before the learned Judicial Magistrate No.II, Madurai, without prejudice to their rights and contentions.

7.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten 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 learned 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 on every Tuesday and Sunday at 10.30 a.m., for a period of eight weeks and thereafter, 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;

(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]**; and;



(f)if the accused / petitioners thereafter absconds, sh
FIR can be registered under Section 229-A IPC.

(*)

WEB COPY

sd/-
18/05/2023

**(*)Para 7(g) deleted as per order of
this Court dated 14.06.2023 in CRL OP
(MD)No.9116 of 2023**

**Time is extended for further period of
two weeks for executing sureties from
the date of receipt of the copy of
order.**

/ TRUE COPY /

/06/2023

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

ssb

TO

To be substituted with the order dated 18/05/2023 already despatched

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, THALLAKULAM POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.GUNASEELANMUTHIAH.J Advocate SR.No.25480[F]

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-8772[I] dated
15/06/2023)

ORDER
IN
CRL OP(MD) No.9116 of 2023
Date :18/05/2023

RS//SAR-(25.05.2023) 3P 6C
RD//SKN(20.06.2023) 3P/7C