



CRL OP(MD). No.15638 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.08.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15638 of 2023

1.C.Alex Pandian

2.A.Rajeswari

... Petitioners/ Accused Nos. 1 & 2

Vs

State rep. by
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
(Crime No.355 of 2023)

... Respondent/ Complainant

For Petitioner : Mr. G. Karuppasamy Pandian, Advocate
for Mr. C.Kudalingam, Advocate

For Respondent : Mr.S. Ravi, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC.439 OF CR.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.355 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



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The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 427 and 379 IPC in Crime No.355 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioners have trespassed into the agricultural land of one Justin and caused damages by breaking down the pipelines. Hence, complaint.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and the respondent police has foisted a false case against them and they have not committed any offence as alleged in the First Information Report, hence he seek anticipatory bail.

4. The learned Additional Public Prosecutor would submit that these petitioners have damaged the pipelines and stolen the motor and there is no previous case pending against the petitioners. He would further submit that the investigation of the case is pending and hence he objected to grant anticipatory bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and also considering the fact that no previous case is pending against the petitioners and considering the nature



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of offence and other aspects, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Aandipatti, Theni District 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 condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

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

[c] the petitioners shall not abscond either during investigation or trial.

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

sd/-
29/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

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

+1 CC to M/s.G.KUDALINGAM, Advocate (SR-13013[I] dated 31/08/2023)

ORDER
IN

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Date :29/08/2023

PKP/VR/SAR- /04.09.2023/ 4P/ 6C
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