



CRL OP(MD). No.17781 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Gajendran

2. Arumugam

3. Sriram

... Petitioners/ Accused No.2,4 & 5

Vs

The State rep.by,
The Inspector of Police,
Lalgudi Police Station.
Tiruchirappalli District.
(Crime No.391 of 2023).

... Respondent/ Complainant

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

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

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



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PRAYER :-
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For Anticipatory Bail in Crime No. 391 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 506(2) IPC and Section 3(1) of Tamil Nadu Public Property (Prevent of Damage and Loss) Act, 1992 in Crime No.391 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein and other accused said to have damaged 2000 sand packages and 4000 Bricks, which belongs to the Government project implemented by TWAD Board for combined water scheme for 109 villages at Lalgudi. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.



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4. The learned Government Advocate (Crl.side) would submit the petitioners have damaged the public property worth about Rs.30,000/- and there is no previous case pending against the petitioners and the investigation of the case is pending.

5. On perusal of the FIR, it is noticed that the petitioners have damaged the public property worth about Rs.30,000/-.

6. Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260, this Court is of the considered view that the alleged offence against the petitioners are not a case of heinous crime. Further, the petitioners are having permanent resident at Trichirappalli District and the origin of the crime is to do action against the Government. In this circumstances, the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not to be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration



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that the accused have their roots in the community and is not likely to abscond, they can safely be released on his own bond.

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7. In view of the above, I am 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 fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Lalgudi, on condition that the petitioners shall execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 :

[a] the petitioners shall report before the trial Court as and when required for the purpose of 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



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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].

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

sd/-
11/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1.THE JUDICIAL MAGISTRATE, LALGUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3.THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION.
TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.A.BANUMATHY, Advocate (SR-15002[I] dated 11/10/2023)

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ORDER
IN

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Date :11/10/2023

RK/JGB (20/10/2023) 6P /6C

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