



CRL OP(MD). No.20236 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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1. Kathir,
2. Manikandan,
3. Arunkumar @ Konar Arun,
4. Murugan,
5. Sathishkumar,
6. Vijay @ Vijayakumar,
7. Saravana Kumar,
8. Naga Arujun,
9. Vengat @ Vengateswaran,
10. Mathankumar,
11. Raja,

... Petitioners/ Accused Rank not known

Vs



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The State rep.by,
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(In Crime No.306 of 2023)

... Respondent/Complainant

For Petitioners : Mr.A.Balaji, Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.306/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 353 and 506(ii) of IPC and r/w 3(1) Prevention of Damage to Public Property Act, 1984, in Crime No.306 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.10.2023, at about 09.50 p.m, the petitioners along with the other accused waylaid the Government Bus and threw the stone to the mirror of the bus and caused damages to the said bus. Hence, the case.



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3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and also submitted that co-accused was arrested and thereafter released on bail by the learned Principal District Judge, Ramanathapuram and he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners have broken the government bus mirror, its worth about Rs.25,000/-. He further submitted that no previous case is pending against the petitioners.

5. Taking into consideration the facts and circumstances of the case and the grant of bail to the co-accused and also considering the antecedents of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:



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6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners are directed to deposit a sum of Rs. 2,000/- (Rupees Two Thousand only) each, to the credit of crime No.306 of 2023 without prejudice to their rights and contentions before the trial Court and produce the receipt / acknowledgment before the concerned Court while executing sureties;

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



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

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

[f]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 petitioner is 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].

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

sd/-
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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

ORDER
IN
CRL OP(MD) No.20236 of 2023
Date :09/11/2023

RK/VRS(24/11/2023) 6P / 5C

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