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Crl.O.P.No.31237 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31237 of 2024

1.G.V.Vivekanandan
2.Sivakumar
3.Sundharasamy

Petitioner(s)

Vs

State Rep.By
The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore District
(Crime No.142 of 2024)

Respondent(s)

For Petitioner(s): Mr.Palanikumar N

For Respondent(s): Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.142 of 2024 registered for the offences punishable under Sections 329(3) and 132 of BNS, the present petition has been filed by the petitioners seeking



anticipatory bail.

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2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seek indulgence of this Court. He submits that the petitioners are agriculturists and were drawing water from Uppar Dam for irrigation purposes. Since, water was not released, they protested against the Authorities and thereby, the respondent police registered a case against the petitioners. He would submit that they are ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners are agriculturists. In order to release water from the dam, they protested in an unlawful manner. He would submit that A1 has got 23 previous cases and there are no previous cases against A2 and A3.

4.Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the



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materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they 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 No.II, Pollachi**, on condition that the petitioner shall execute separate 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 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 and 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.

[b]the petitioners shall report before the respondent police everyday at 10.30 a.m for a period of one week and thereafter on every first and third Saturday at 10.30 a.m until further orders.

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



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[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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

16.12.2024

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To

1. The Judicial Magistrate No.II, Pollachi
2. The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore District



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