



CRL OP(MD) No.657 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 VADIVELAN @ SIVASITHAN @
MOHAMED BILAL ... 1st Petitioner / Accused No.1

2 ARAVIND
3 KAVIYARASAN
4 SELVAM ... Petitioners 2 to 4 /
Accused Rank not known

Vs

THE INSPECTOR OF POLICE
THIRUPPANANDHAL POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.498 OF 2023.) ... Respondent / Complainant

For Petitioners : M/s.R.Maheswaran, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 498 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147 and 379 of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992 @ Sections 147, 148, 379, 506(ii) and 120(b) of IPC r/w Section 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992, in Cr.No.498 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 30.10.2023, the members of the State Secretary (Media Division) of Tamil National Development Party have damaged the Poigai Pond's wall, which was maintained by the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the first petitioner/A1 has voluntarily surrendered before the respondent police and hence, he seeks permission of this Court to withdraw this petition with regard to the first petitioner and he has also made an endorsement to that effect. He would further submit that A3 was already secured by the respondent police. However, on instructions, he would further submit that in respect of the second and fourth petitioner, without prejudice to their rights and contentions, are ready to deposit a sum of Rs.50,000/- to the credit of Crime No.498 of 2023 before the trial Court, since



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the similarly placed accused, viz, Meganathan and T.S.Karthikeyan have already been released on bail on condition to deposit a sum of Rs.1,56,000/- each to the credit of crime number before the trial Court and hence, they prayed for anticipatory bail.

4.The learned counsel for the intervenor as well as the learned Government Advocate (Crl. side) appearing for the State would submit that if the petitioners deposit Rs.50,000/- to the credit of crime number, this Court may consider the petitioners' anticipatory bail application and direct the petitioners not to enter into the pond for illegal activities.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners 2 and 4 have come forward to deposit a sum of Rs.50,000/- for the alleged damages caused to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners 2 and 4.

6.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 and 4 are granted anticipatory bail and 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 District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, on condition that the petitioners 2 and 4 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)



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each 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 and on further condition that:

(a) if the petitioners 2 and 4 failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b).The petitioners 2 and 4 are directed to deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) each to the credit of Crime No.498 of 2023, before the learned District Munsif cum Judicial Magistrate, Thiruvidadaimaruthur, without prejudice to their rights and contentions, at the time of furnishing sureties;

(c).the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d).the petitioners 2 and 4 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(e).the petitioners 2 and 4 are further directed not to create unnecessary problem with regard to the pond with the defacto



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complainant;

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(e).the petitioners 2 and 4 shall not tamper with evidence or witness either during investigation or trial;

(f).the petitioners 2 and 4 shall not abscond either during investigation or trial;

(g).on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 and 4 in accordance with law as if the conditions have been imposed and the petitioners 2 and 4 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;

(h).if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/01/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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To

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1.The District Munsif cum Judicial Magistrate,
Thiruvidaimaruthur.

2.Do hrough the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-1153[I] dated 30/01/2024)

ORDER

IN

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Date :29/01/2024

ED/ GS /SAR- (01/02/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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