



CRL OP(MD) No.629 of 2024

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

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.629 of 2024

1 YESURATHINAM

2 KARUPPASAMY

... PETITIONERS/ ACCUSED NOS.1 & 2

Vs

THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.614/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.T.SASIDHARAN TAMILKANI, Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.614/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the



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respondent police for the alleged offence punishable under Sections 147, 447, 427, 294(b), 434 and 506(ii) IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992 in Crime No.614 of 2023, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners trespassed into the defacto complainant's land, damaged the fencing stones, abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that no one sustained injuries in the alleged occurrence and there is no previous case pending as against the petitioners.

5.Considering the facts and circumstances of the case and also considering the

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fact that no one sustained injuries in the alleged occurrence and there is no previous case pending as against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 No.II, Kovilpatti, 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 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 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 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;

(c) the first petitioner shall report before the respondent police as and when required and the second petitioner shall report before the respondent police daily at



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10.30 a.m. for a period of two weeks and thereafter, as and when required;

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(d)the petitioners shall not tamper with 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 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]; and;

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

sd/-
12/01/2024

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/01/2024

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

GNS

TO

1.THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI,



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI

3. THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.S.T.SASIDHARAN TAMILKANI, ADVOCATE (SR-683[I] DATED
12/01/2024)

ORDER
IN
CRL OP(MD) No.629 of 2024
Date :12/01/2024

RK /VR(23/01/2024) 5P / 6C
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