



CRL OP(MD) No.982 of 2024

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

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.982 of 2024

1 FERNANDUS TITUS @ TAITTUS

2 JEROME

... PETITIONER / ACCUSED NOS. 1 & 2

Vs

THE INSPECTOR OF POLICE
PAZHAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.298 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.PRASANNA RAJADURAI, ADVOCATE
FOR M/S.GUNASEKARAN.D, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.298 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-



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The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.298 of 2023, seek anticipatory bail.

2.The case of the prosecution is that one Mangayarkarasi, Block Development Officer (BDO) at Valliyur village, Tirunelveli District Panchayat Union, lodged a complaint against the petitioners stating that the accused persons demolished the Government building belonging to the Block Development Office, Valliyur village.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, he would submit that the said property was purchased on 24.02.2006 by the first accused and it was registered vide Document No.554 of 2006 on the file of Panangudi Sub Registrar Office, Radhapuram Taluk, Tirunelveli District. The petitioner got loan on 25.08.2014 for a sum of Rs.20,00,000/-. Since the said property was very old, the petitioners demolished the same. But the defacto complainant unnecessarily demanding a sum of Rs.3,00,000/- from the first accused. When he neglected the same, a false complaint has been lodged. Hence, he prays for granting anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) would submit that the entire building is belonging to the Government. From the first petitioner, the said property was purchased by the Government in the year 2001 for constructing a building for conducting self help groups. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are is 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 Court, Valliyur at Tirunelveli District, 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

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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 petitioners 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,;

(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;



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

sd/-
23/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIYUR, TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PAZHAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.GUNASEKARAN, Advocate (SR-950[I] dated 23/01/2024)

ORDER
IN
CRL OP(MD) No.982 of 2024
Date :23/01/2024

PKP/GS/SAR /31.01.2024/ 5P/ 6C
Madurai Bench of Madras High Court is issuing certified
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