



CRL OP(MD) No.4492 of 2024

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

Friday, the Twenty Second day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4492 of 2024

1 A.MOHIDEEN RAJA

2 A.JAIN ALLAUDEEN

... PETITIONERS / ACCUSED No.1 &
RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION,
MADURAI CITY,
IN CRIME NO.50/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.JEGADEESH PANDIAN.M Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

For Intervenor : Mr.K.SIVABALAN, Advocate

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.50/2024 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioners / Accused Rank not known, who apprehend arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 448 and 380 IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.50 of 2024 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute arose between the petitioners and the defacto complainant, the petitioners herein damaged the fish shop and CCTV Camera of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.50,000/- to the defacto complainant. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioners and the defacto complainant are brothers and already there was a property dispute between themselves. Due to which, the petitioners damaged the fish shop of the defacto complainant.

<https://www.mhc.tn.gov.in/judis> 5. The learned counsel appearing for the intervener would submit that



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due to non-profit in the business, the petitioners herein entered into the fish shop of the defacto complainant and damaged the articles in the shop and hence, he vehemently opposed for grant of anticipatory bail.

6. Today, the learned counsel appearing for the petitioners has filed an affidavit before this Court and the relevant portions in the affidavit are extracted hereunder:

“4.I humbly submit that at neither point of time, I did not have any iota of intention to enter, or claim, or create any encumbrance over the property belongs to Jamal Mohammed / defacto complainant herein. In future also, neither myself nor second petitioner would not involve ourselves in claiming or entering, or creating any encumbrance over the property. Since the second petitioner were already allotted with respective shops through the registered partition deed dated 20.04.2022.”

7. Considering the facts and circumstances of the case and also considering the fact that the petitioners have come forward to handed over some amount to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.



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8. Accordingly, the petitioners 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 Judicial Magistrate No.I, Madurai 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).As per the undertaking given by the petitioners, the petitioners shall make a Demand Draft of a sum of Rs.50,000/- (Rupees Fifty Thousand only) in the name of the defacto complainant and the produce the same before the concerned trial court and on such production, the learned Judicial Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of petitioners succeed in the criminal case, the petitioners will be entitled for the refund of the said amount;

(b).if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date



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of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 shall report before the respondent police for a period of two weeks at 10.30 A.M, and thereafter, as and when required for interrogation;

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

(f)the petitioners 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 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



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Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
22/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
THEPPAKULAM POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-3582[I] dated 22/03/2024)

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-3605[I] dated 22/03/2024)



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ORDER

IN

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Date :22/03/2024

SA/VR/SAR. /01.04.2024/7P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.