



CRL OP(MD). No.7220 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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Parthipan

... Petitioner/ Accused No.1

Vs

The State represented by
The Sub-Inspector of Police,
Kundrakudi Police Station,
Thirupathur Taluk,
Sivagangai District.
(Crime No.83 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.Ramesh Mahadev,Advocate.
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.83 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police

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for the offences punishable under Section 3(1) of Prevention of Damage to Public Property Act, 1984, in Crime No.83 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with others have destroyed the painting works in the Government Village Kalaiyaramam due to depicting some communal character. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. Only painting work was carried out and no damages were caused to the buildings.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner along with others have destroyed the painting works in the Government Village Kalaiyaramam, hence, he opposes to grant anticipatory bail to the petitioner. However, he fairly concedes that no damages has been caused to the said building.

5. Considering the facts and circumstances of the case and the nature of the allegations made against the petitioner and also the fact that no damages has been caused to the said building, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioner shall execute a 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 learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter, as and when required for interrogation.

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

[d] the petitioner 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 is 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].

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[f]If the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-
15/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
KUNDRAKUDI, KUNDRAKUDI POLICE STATION,
TIRUPATHUR TALUK,
SIVAGANGA DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+2 CC to M/s.DR.RAMESH MAHADEV, Advocate (SR-5441[I] dated 16/05/2024)

ORDER
IN

CRL OP(MD) No.7220 of 2024

Date :15/05/2024

PKP/VR/SAR /22.05.2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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