



CRL OP(MD)No.7565 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD)No.7565 of 2024

1.S.Ramkumar

2.M.Krishnan

3.Muniyaraj

... Petitioners/ Accused Nos. 1 to 3

Vs

The Inspector of Police,
S.S.Colony Police Station,
Madurai City,
Madurai.

Crime No.246 of 2024

... Respondent/Complainant

For Petitioners : Mr.R.Murali,Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.246 of 2024 on the file of the Respondent police.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)No.7565 of 2024

WEB COPY

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 290 IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.246 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners constructed a building and without obtaining proper permission, they put up drainage pipeline for the said building by damaging the public road, worth about Rs.30,000/-. Hence, the complaint.

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.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the investigation in this case is not yet completed.

5.Taking into consideration the facts and circumstances of the case, 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



CRL OP(MD)No.7565 of 2024

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.V, 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 learned Magistrate concerned and on further conditions that:

[a]the petitioners 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 petitioners are directed to deposit a sum of Rs.30,000/-(Rupees Thirty Thousand only) by way of Demand Draft, in favour of the Commissioner, Madurai Corporation, Madurai City and proof shall be produced before the respondent Police.

(*)[c] The petitioners shall report before the respondent police as and when required for interrogation.

[d]the petitioners shall not tamper with the 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 are released on bail by

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)No.7565 of 2024

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]**.

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/05/2024

**(*)Corrected as per the order of this Hon'ble Court
in CRL OP(MD)No.7565 of 2024 dated 10/06/2024.
/ TRUE COPY /**

/06/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 22/05/2024 ALREADY
DESPATCHED**

- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
S.S COLONY POLICE STATION,
MADURAI CITY,
MADURAI.



CRL OP(MD)No.7565 of 2024

WEB COPY

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

COPY TO

THE COMMISSIONER
MADURAI CORPORATION, MADURAI CITY.

+1 CC to M/s.R.MURALI, Advocate (SR-5582[I] dated 22/05/2024)

ORDER
IN

CRL OP(MD) No.7565 of 2024

Date :22/05/2024

PKP/GS/SAR /24.05.2024/ 5P/7C

KSA

SS/SAR- /10/06/2024/5P/7C

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