



CRL OP(MD). No.7825 of 2024

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

Date : 29.05.2024

PRESENT

The Hon`ble Mrs.Justice L.VICTORIA GOWRI

CRL OP(MD). No.7825 of 2024

Senthilkumar

... Petitioner/ Sole Accused

Vs

The State represented by
The Inspector of Police,
Chinnamanur Police Station,
Theni District.
(Crime No.194 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.C.Senthil Murugan, Advocate.
For Respondent : Ms.M.Aasha
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.194 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 431 IPC read with



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Section 3(2) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992, in Crime No.194 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Assistant Engineer of Public Works Department. On 03.05.2024 and 04.05.2024, the petitioner said to have damaged the water channel and thereby, caused damage to the tune of Rs.75,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is ready to restore the damage and seeks anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner has caused huge damage to the water channel and objects for grant of anticipatory bail.

5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner is ready to restore the damage caused to the water channel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Uthamapalayam, on



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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 is directed to restore the damage caused to the water channel immediately within a period of one week from today.

[b]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.

[c]the petitioner shall report before the respondent police as and when required for interrogation.

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

[e]the petitioner 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 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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[g]If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
29/05/2024

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

ABR

To

1.The Judicial Magistrate,
Uthamapalayam.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Chinnamanur Police Station,
Theni District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-5947[I] dated 29/05/2024)

ORDER
IN
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Date :29/05/2024



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ED/ GS /SAR- (03/06/2024) 5P / 6C

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