



CRL OP(MD). No.7914 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/05/2024

PRESENT

The Hon`ble Mrs.Justice L.VICTORIA GOWRI

CRL OP(MD). No.7914 of 2024

1. Rajkumar,

2. Melvin,

... Petitioners/ Accused 1 & 3

Vs

The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.
Now Tenkasi District.
Crime No. 410/2016.

... Respondent/Complainant

For Petitioners : M/s. ANANDAN.B,
Advocate.

For Respondent : Mrs.M.AASHA,
Government Advocate (CrI.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 410 of 2016 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 3(1) of TNPPDL Act in Crime No.410 of 2016, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that due to previous enmity on 17.09.2016 at about 2.00 pm., all the accused persons entered into the house of the defacto complainant and damaged the fence. hence the case.

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, hence he seek anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that all the accused persons entered into the house of the defacto complainant and damaged the fence. Hence, she objected to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation has been completed, 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 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, Tenkasi 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:



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[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 shall report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

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

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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].

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

sd/-
30/05/2024

/ TRUE COPY /

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



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AAV

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TIRUNELVELI DISTRICT.
NOW TENKASI DISTRICT.

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-5972[I] dated 30/05/2024)

ORDER IN
CRL OP(MD) No.7914 of 2024
Date :30/05/2024

SA/GS/SAR. /03.06.2024/4P/6C

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