



CRL OP(MD). No.11037 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.11037 of 2024

Murugan

... Petitioner/ Accused

Vs

The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No. 303/2024.

... Respondent/ Complainant

For Petitioner : M.S.Jeyakarthik,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C (under Section 482 of BNSS)

PRAYER :-

For Anticipatory Bail in Crime No. 303 of 2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 285, 323, 324, 506(ii) of IPC and Section 3 of the TN Public Property (Prevention of Damage & Loss) Act, in Cr.No.303 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Manager of the Petrol Bunk, situated in Valantharavai. The petitioner and other accused came there and questioned him about regular collection and the defacto complainant refused to inform the same. Due to which, the accused persons abused the defacto complainant in filthy language and also damaged the fire cylinders and petrol flowing pumps of the petrol bunk. They have also assaulted the labourers of the petrol bunk. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that this Court has granted bail to the co-accused in Crl.O.P(MD).No.8878 of 2024 dated 27.06.2024. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate(Crl.Side) after ascertaining CCTV footages, submits that A1 alone caused damage to the nozzle of the petrol machine and the petitioner herein attempted to prevent him from committing the offence.

5.Considering the facts and circumstances of the case and also grant of bail to the co-accused by this Court, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Ramanathapuram, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent Police, daily at 10.30 a.m. until further orders. He has to co-operate for the investigation.



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(c)the petitioner shall not tamper with 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 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]; and;

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

sd/-

22/07/2024

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.



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2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M.S.JEYAKARTHIK Advocate SR.No.8305

ORDER
IN
CRL OP(MD) No.11037 of 2024
Date :22/07/2024

MGJ/JGB/07.08.2024/5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.