



CRL OP(MD)No.11326 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 26.07.2024

PRESENT

The Hon`ble MR.JUSTICE AA.NAKKIRAN

CRL OP(MD)No.11326 of 2024

1.P.Kumaresan

2.P.Jegan

3.P.Jeyakumar

4.M.Gangadharan

5.L.Anandhan

... Petitioner's/ Accused

Vs

The Inspector of Police,
Maruvur Police Station,
Thanjavur District.
(In Crime No.184 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.K.Lenin

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate(Crl.side)

For Intervenor : Mr.A.Sivasubramanian



CRL OP(MD)No.11326 of 2024

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.,
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PRAYER :-

For Anticipatory Bail in Crime No.184 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 191(2), 296(b), 115(2), 118(1), 351(3) BNS and Sections 3(1) of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Cr.No.184 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the accused persons abused the defacto complainant in filthy language and also damaged the tractor. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) for the respondent submits that the investigation is yet to be completed and there is no previous case pending as against the petitioner.



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5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are not having any previous case pending as against them, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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, Thiruvaiyaru, Thanjavur District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand) each 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent Police daily 10.30 am., for a period of two weeks and thereafter, as and when required;



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(c)the petitioners are directed to a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Cr.No.184 of 2024 before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District;

(d)the petitioners shall not tamper with 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 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;

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

sd/-

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/08/2024

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



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TO
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- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU,
THANJAVUR DISTRICT.
- 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
MARUVUR POLICE STATION, THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11326 of 2024
Date :26/07/2024

MGJ/VR/06.08.2024/5P/5C

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