



CRL OP(MD). No.11442 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

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1. Kaikondar Pandian,

2. Shanmugam,

3. Muthammal,

4. Selvam,

5. Ravichelladurai,

... Petitioners / Accused Nos.1 to 5

Vs

The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
Crime No. 341/2024.

... Respondent/Complainant

For petitioners : M/s. Venkatesh.C,
Advocate.

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

PRAYER :- For Anticipatory Bail in Crime No. 341 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioners /Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 329(3), 296(b), 351 (3) BNS, 2023 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Cr.No.341 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute between the parties, the petitioners said to have trespassed into the company of the the defacto complainant and abused his security guard in filthy language and threatened with iron rod and also damaged his compound wall. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners damaged the compound wall, worth about Rs.50,000/-. However, the petitioners are not having any previous case and the investigation is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.



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5.Considering the facts and circumstances of the case and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Petition is allowed and the petitioners is ordered to be released on bail in the event of arrest or 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.III, Tirunelveli, on condition that the petitioners 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 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 at 10.30 am for a period of three weeks and thereafter as and when required for interrogation;



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(c)the petitioners shall not tamper with 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 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/-
24/07/2024

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/08/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.



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2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.11442 of 2024
Date :24/07/2024

MGJ/JGB/07.08.2024/5P/5C

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