



CRL OP(MD)No.11828 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.11828 of 2024

1.Murugan

2.Tamilselvan

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
Cr.No.173 of 2024

... Respondent/ Complainant

For Petitioner : Mr.T.A.Ebenezer

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

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

PRAYER :-

For Anticipatory Bail in Crime No.173 of 2024 on the file of the Respondent Police.



CRL OP(MD)No.11828 of 2024

ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 329(3), 132 and 351 of the Bharatiya Nyaya Sanhita, 2023 and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Cr.No.173 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have trespassed into the temple land and taken sand. 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 petitioners are not having any previous case pending as against them and no one sustained injuries in the occurrence.

5.Considering the fact that the petitioners are not having any previous case pending as against them and no one sustained injuries in the occurrence, 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



CRL OP(MD)No.11828 of 2024

WEB COPY

learned Judicial Magistrate, Nanguneri 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 at 10.30 am., for a period of three weeks and thereafter, as and when required;

(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 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;



CRL OP(MD)No.11828 of 2024

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
26/07/2024

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

TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.

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



CRL OP(MD)No.11828 of 2024

WEB COPY +1. CC to T.A. EBENEZER Advocate SR.No.8716

ORDER
IN
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Date :26/07/2024

MGJ/JGB/06.08.2024/5P/6C

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