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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2024

PRESENT

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

CRL OP(MD). No.12303 of 2024

1. .Palanisamy

2. Maruthavelu

3.Sudha

... Petitioners/ Accused No.1 to 3

Vs

The Inspector of Police,
Perungudi Police Station,
Madurai District.
Crime No.130 of 2024

... Respondent/ Complainant

For Petitioners: M/s.Chandrapandi V,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.130 of 2024.



ORDER : The Court made the following order :-

The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 329(3), 296, 351(3) and 303 (2) of BNSS, 2023, in Crime No.130 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein have cut down 19 numbers of teak wood trees worth about 9,50,000/- in the property of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the matter has been compromised between the parties and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that there is civil dispute between the parties. The investigation is still pending. But, however, he fairly conceded that no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the dispute is civil in nature and no bad antecedent is reported against the petitioners, 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 their 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, Thirumangalam, 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:

(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 weekly once i.e., every Saturday at 10.30 am until further orders;

(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;

<https://www.mhc.tn.gov.in/judis>



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

sd/-
31/07/2024

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/08/2024

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

DSS

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.V.CHANDRAPANDI, Advocate (SR-9065[I] dated 31/07/2024)



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ORDER
IN
CRL OP(MD) No.12303 of 2024
Date :31/07/2024

MK/MGA/23.08.2024 5P 6C

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