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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15356 of 2024

1. Ramar

2. Muthuramu @ Muthuramalingam

3. Kumar

4. Mallika,

5. Nagavalli,

6. Sangeetha,

7. Krishnamma,

8. Ashwanth,

9. Mariyammal,

10. Maheswari,

11. Irulayee,

12. Ambika, ... Petitioners/Accused Nos. 8,15,16,17, 18,21,22,24,26,27,28 & 29

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Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
Crime No. 248/2024.. ... Respondent/Complainant

For Petitioners : Mr.Herold Singh
Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 248 of 2024 on the file of the Respondent police.

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 189(3), 189(4), 190, 191(3), 132 BNS, 2023 and Section 3 of TN Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.248 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have unlawfully assembled and caused damage to the cement tank, which was constructed for taking

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bath. Further, they have cut 6 Tamarind trees, 18 Neem trees and 10 other trees. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegation that the petitioners, being the villagers opposed, took law into their hands and tried to prevent the construction of a water tank in the village and also considering the argument of the learned counsel for the petitioners that the petitioners will be willing to undertake that they will only take recourse to law even if they are objected to the construction of the water tank and will not in any manner, physically or otherwise done by due process of law interfere with the construction, this Court is inclined to enlarge the petitioners on anticipatory bail.

5.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, Paramakudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) common surety for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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(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 file an undertaking affidavit that they will not in any manner prevent the construction of the water tank or any construction in public property by any person except by approaching the lawful authorities.

(c)the petitioners shall report before the respondent police as and when required for interrogation;

(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 petitioners released on bail by the

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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/-
12/09/2024

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/09/2024
Sub-Assistant Registrar (CS- I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1. The Judicial Magistrate, Paramakudi

2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.

3. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-11344[I] dated 18/09/2024)

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ORDER
IN
CRL OP(MD) No.15356 of 2024
Date :12/09/2024

RK/SG (24/09/2024) 6P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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