



CRL OP(MD). No.15395 of 2024

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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

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1. Asaithambi,
2. Raju
3. Nagapandi
4. Andichamy
5. Ramakrishnan

... Petitioners/
Accused No.2&3, 5 to 7

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
DCB Theni Police Station,
Theni District.
Crime No. 43/2023.

... Respondent/Complainant

For Petitioners : M/s. Arokia Selva Ramesh.S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor



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

PRAYER :- For Anticipatory Bail in Crime No. 43 of 2023 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 417, 468, 471, 420, 447, 427, 294(b) and 506(i) I.P.C, in Cr.No. 43 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute between the parties, the petitioners had abused the defacto complainant in filthy language and also damaged the fencing etc.. Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the facts and circumstances of the case and also considering the nature of allegation in the F.I.R, as if the two sides are claiming title in respect of a property and the criminal acts being damaging the fencing etc, I am inclined to



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enlarge the petitioners on anticipatory bail with certain conditions.

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5. Accordingly, this Petition is allowed and the petitioners are 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, Theni, 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 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. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

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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/-
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.

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TO
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1. THE JUDICIAL MAGISTRATE, THENI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
3. THE INSPECTOR OF POLICE,
DCB THENI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15395 of 2024
Date :12/09/2024

RK (23/09/2024) 5P / 5C

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