



CRL OP(MD). No.16802 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16802 of 2024

Vijayaraj,

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep By, The Sub Inspector of Police,
Police Station, Kalugumalai,
In Cr.No.42 of 2024.
Thoothukudi District.

... Respondent/Complainant

For Petitioner : Mr.R.Rajamohan,
Advocate.

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

For Intervenor : Mr.Rajasekar

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.42 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 427 and 506(ii) of IPC and Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.42 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute, the accused is said to have trespassed into the property of the defacto complainant and cut down the trees worth about Rs.5,00,000/- and gave life threat to the defacto complainant.

3.The learned counsel appearing on behalf of the intervenor by producing the Google image would submit that the entire extent was full of trees. It was full of trees and there were also 7 number of neem trees. The petitioner had high-handedly cut all the trees and even pulled out the roots and now he is cultivating the said land.

4.Be that as it may, since it is seen that the civil suit is now pending between the parties, I am inclined to enlarge the petitioner on anticipatory bail, with certain conditions:



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5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Kovilpatti, on condition that the petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the petitioner 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 petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/10/2024

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/10/2024

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I
KOVILPATTI.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
POLICE STATION,
KALUGUMALAI,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-12422[I] dated 15/10/2024)

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-12474[I] dated 16/10/2024)

ORDER

IN

CRL OP(MD) No.16802 of 2024

Date :14/10/2024

SS/MMS/SAR- /18/10/2024/ 5P/7C

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