



CRL OP(MD). No.17262 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

CRL OP(MD). No.17262 of 2024

Vijayakumar,

... Petitioner/Sole Accused

Vs

**The State of Tamilnadu,
Rep by the Inspector of Police,
Thottiyam Police Station,
Trichy District.
Crime No.249 of 2024..**

... Respondent/Complainant

For Petitioner : M/s.Vishnuvarthanan.P.M, Advocate.

**For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor**

PETITION FOR BAIL UNDER SECTION 483 OF BNSS



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PRAYER:-

For Bail in Crime no.249 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 22.09.2024 for the offences punishable under Sections 296(b), 132, 351(2) of BNS Act, 2023 & Section 3(1) of TNPPDL Act, 1992, in Crime No.249 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is said to have entered into the Government land and illegally cut down a Tamarind tree. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner originally given a complaint to remove the Tamarind tree, which was breached in their house. Since there was no response from the officials, he himself cut the same and thereby, arrested on 22.09.2024. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner illegally cut down a Tamarind tree in the government land and the investigation is in initial stage. Hence, he objected to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the

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period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thottiyam, Trichy District.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 1 week and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness;

iv) the petitioner shall not abscond during trial.

v) 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].



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vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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09 / 10 / 2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE
THOTTIYAM TRICHY DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, THURAIYUR, TRICHY DISTRICT..

4 THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-12334[I] dated
09/10/2024)

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ORDER
IN
CRL OP(MD) No.17262 of 2024
Date :09/10/2024

PSP/ /SAR /09.10.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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