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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18909 of 2024

Malmarugan,
S/o.S.Shanmugam

... Petitioner / Accused No.1

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Kulasekaranpattinam Police Station,
Thoothukkudi District.
(Crime No.242 of 2024)

... Respondent/Complainant

For Petitioner :M/s.S.Senthil Sankara Natha Kumar
Advocate

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

For Intervenor: Mr.Kannan

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.242/2024 on the file of the respondent police.



ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 329(3), 324(5) and 351(3) of the BNS, 2023, in Crime No.242 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused have abused the de-facto complainant in filthy language and also tried to kill a person who tried to obstruct. Hence, the complaint.

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

4. Considering the nature of the allegations in this case that in view of the dispute with reference to the subject matter land, the petitioner is said to have high handedly taken law into his own hands and demolished the superstructure in the nature of a shed with asbestos sheet, hollow blocks and pipes put up by the de-facto complainant and considering the overall facts and circumstances of the case, 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 his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Tiruchendur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common 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 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 is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.242 of 2024 before the Judicial Magistrate, Tiruchendur, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties. Only upon deposit, the petitioner shall be enlarged on anticipatory bail.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for the interrogation.



(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 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]; and

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

sd/-
30/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR.

2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.



3 THE INSPECTOR OF POLICE,
KULASEKARANPATTINAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/s.S.Senthil Sankara Natha Kumar,Advocate(SR.NO.13587)

ORDER
IN
CRL OP(MD) No.18909 of 2024
Date :30/10/2024

MGJ(23.11.2024) 5P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023