



CRL OP(MD). No.18914 of 2024

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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

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1. Rajesh

2.Rameshkumar

3.Bhuvaneswari

... Petitioners/ Accused Nos.3,4&7

Vs

The State of Tamil Nadu rep by its,
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.348 of 2024.

... Respondent/Complainant

For Petitioners: M/s.Prabhu.K, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.348 of 2024 on the file of the respondent Police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

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The petitioners/A3, A4 & A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b), 506(I) and 379 of IPC, in Crime No.348 of 2024, seek anticipatory bail.

2.The case of the prosecution is that a lodge in the name of 'Moogambigai Residency' in T.S.No.71A/71B originally belonged to the family of one Muruganantham. The said lodge was closed in view of the orders passed by this Court due to the issue between the legal heirs. Thereafter, the accused persons are said to have handed over the lodge to the defacto complainant on agreement that the defacto complainant will run the above said lodge for a period of 5 years after obtaining appropriate permission from the concerned authorities, and when he hands over the lodge to the accused, they will give 50% of the market value of the lodge to the defacto complainant. On believing their words, the defacto complainant is said to have spent money and renovated the lodge by obtaining proper permission. But, however, the accused persons are said to have trespassed into the property and damaged the CCTV cameras and stolen money worth about Rs.2,00,000/- along with other valuable articles and documents. When the same was questioned by the employees of the lodge, they also abused them in filthy language. Hence, the complaint.



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3. Heard both sides.

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4. Considering the nature of the allegations in this case that the petitioners and the other accused are said to be the owners of the property and there is a dispute with reference to the possession and enjoyment of the property and that civil suits are pending between the parties, the petitioners are also the family members of the other accused and the said accused have already been granted anticipatory bail by this court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Judicial Magistrate Court No.II, Kodaikonal, 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 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;



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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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/10/2024

/ TRUE COPY /

/11/2024

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

DSS

TO

1. THE JUDICIAL MAGISTRATE COURT NO.II, KODAIKONAL,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.



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3. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-13469[I] dated 30/10/2024)

ORDER
IN
CRL OP(MD) No.18914 of 2024
Date :30/10/2024

RK/VR(21/11/2024) 5P / 6C

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