



CRL OP(MD). No.19618 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/11/2024

PRESENT

The Hon`ble Mr.Justice **N.ANAND VENKATESH**

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M.Selvasudhakar @ Sudhakar

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep. By, the Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
(Crime No.260/2024).

... Respondent/ Complainant

For Petitioner : M/s.J.Jeyakumaran, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.260 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 191(2), 329(4) of BNS Act, 2023 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.260 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the *defacto* complainant is a practising Advocate in the Tirunelveli District Court. He is running his office in the subject property. On 28.10.2024, the accused persons are said to have trespassed into the property and damaged the property and caused loss to the tune of Rs.40,000/-. Totally, there are five accused persons in this case and the petitioner has been arrayed as Accused No.4.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

4. In the instant case, Accused Nos.1 and 3 were arrested and remanded to



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judicial custody on 29.10.2024 and the said Accused Persons had filed a bail application before this Court and this Court had granted bail in Crl.O.P.(MD). No.19065 of 2024 by an order dated 06.11.2024.

5. Considering the facts and circumstances of the case and considering the fact that the accused Nos.1 and 3 have been enlarged on bail and considering the fact that the property dispute is involved in this case and custodial interrogation may not be required in this case and also considering that already A2 has been granted anticipatory bail by this Court in Crl.O.P(MD)No.19354 of 2024 by order dated 11.11.2024, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of 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 No.IV, Tirunelveli, 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 said Magistrate, on further condition that:



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[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police on every Monday and Friday at 05.30 p.m. until further orders;

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

[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]*; and;

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

sd/-
13/11/2024

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/12/2024

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

LR



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.IV
TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.JEYEKUMARAN, Advocate (SR-13943[I] dated 13/11/2024)

ORDER
IN

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Date :13/11/2024

SS/GSV/SAR- /03/12/2024/ 5P/6C

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