



CRL OP(MD). No.21360 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2024

PRESENT

The HONOURABLE MR. JUSTICE B.PUGALENDHI

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1. Kiruba @ Kiruba Angel,
W/o. Das @ Palanikumar,
No.2/11, Manthai Street,
Kappalur, Thirumangalam,
Thoothukudi District..

2. Das @ Palanikumar,
S/o. Thavamani,
No.2/11, Manthai Street,
Kappalur, Thirumangalam,
Thoothukudi District.

... Petitioners/ Accused

Vs

State of Tamil Nadu,
The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District,
Crime No.73 of 2024..

... Respondent/ Complainant



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For Petitioners : Mr.V.Malaiyendran,
Advocate.
For Respondent : Mr.T.Sakthikumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.73 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused apprehending arrest at the hands of the respondent police in connection with a case in Crime No.73 of 2024 for the offences punishable under sections 448, 341, 294(b) and 506(ii) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Destruction and Loss) Act, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the case was registered as against the petitioners in crime No.73 of 2024 as if that the



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petitioners have caused damage to the tune of Rs.3,00,000/- to the house of the defacto complainant. The 2nd petitioner claims that he is the victim. The second petitioner's mother was assaulted and she sustained grievous injury on her head. Eventhough a complaint has been lodged for this incident by the petitioner's mother the respondent police have not registered any case as against the defacto complainant. On the other hand, they have foisted this false complaint that these petitioners have damaged the house of the defacto complainant.

3.The learned counsel for the petitioner produced a photograph and submits that the petitioners house was also damaged by the defacto complainant.

4.The learned Government Advocate submits that the investigation is pending and there is no change of circumstances.

5. This court considered the rival submissions made and also



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perused the materials placed on record.

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6. The petitioners are not having any bad antecedent. The dispute is also between the relatives. Though the petitioners claims that they have launched a counter complaint, the 2nd petitioner's mother was also assaulted, admitted in the hospital for three days and no case was registered for this incident. This Court dismissed the earlier application filed by these petitioners in Crl.O.P(MD) No.8841 of 2024, by order dated 19.06.2024. Even after that the respondent police have not at all arrested the petitioners. Therefore, the respondents have not concluded the investigation also. Since the respondent police has not shown any interest in this case to secure these petitioners and the petitioners are also filing application repeatedly before this court, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

7. Accordingly, the petitioners are ordered to be released on



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bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- each (Rupees Twenty Five 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 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 a.m., until further orders.

[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.



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[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].

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

06.12.2024

RM

Copy to

The Judicial Magistrate No.III,
Thoothukudi,

To

1. The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District,
Crime No.73 of 2024.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

RM

ORDER
IN
CRL OP(MD) No.21360 of 2024

Date : 06/12/2024