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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). Nos.21724 and 21739 of 2024

1.N.Alagumalai

2.K.Selvam

... Petitioners / Accused 3 & 5
in Crl.OP(MD).No.21724 of 2024

Vadivel

... Petitioner / Accused No.6
in Crl.OP(MD).No.21739 of 2024

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.206 of 2024)

... Respondent/Complainant
(in both cases)

For Petitioners : Mr.R.Manickam,Advocate
(in CRL OP(MD)No.21724/2024)

For Petitioners : Mr.D.Balamurugapandi,Advocate
(in CRL OP(MD)No.21739/2024)



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For Respondent
(in both cases)

: Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 206 of 2024 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 324(4), 303(2), 351(3) and 49 of BNS, 2023, in Crime No.206 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a manager of KPN Agro Farm and adjacent to the same, there is another Agro Farm named as TPK Agro Farm. A6 was working as a manager in this TPK Agro Farm. At that time of putting up a compound wall by TPK Agro Farm, the solar fencing of the defacto complainant was damaged. A complaint was given in this regard and it was pending. Thereafter, on 19.11.2024, the accused persons are said to have caused extensive damage to the solar fence and the chemicals sprayer, 6 hoses and other materials were also taken away from the property belonging to the defacto



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complainant. There are totally 6 accused persons in this case and the petitioners have been arrayed as A3, A5 and A6.

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

4. Taking into consideration the facts and circumstances of the case and considering the fact that there is a previous dispute between the parties and considering the fact that there is one previous case against A6 and no previous cases against A3 and A5, 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 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 Court, Bodinayakanur, Theni District, on condition that the petitioners 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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 as and when required for interrogation.

[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 petitioner 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023. IPC.

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

PAL

TO

- 1 THE JUDICIAL MAGISTRATE
BODINAYAKANUR, THENI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
THEVARAM POLICE STATION,
THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.MANICKAM, Advocate (SR-15279[I] dated 11/12/2024)
- +1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-15179[I] dated 10/12/2024)



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ORDER
IN

CRL OP(MD). Nos.21724 and 21739 of 2024

Date :10/12/2024

SS/SKN/SAR- /18/12/2024/ 6P/7C

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