



CRL OP(MD). No.21951 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Mooppuka

2.Sivanandam

... Petitioners / Accused 3&4

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
(Crime No.125 of 2024)

... Respondent/Complainant

For Petitioners: Mr.Yasar Arafath,
Advocate

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

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



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PRAYER :-
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For Anticipatory Bail in Crime No. 125 of 2024 on the file of the respondent police.

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 120B, 143, 447, 379, 294(b) and 506(2) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, in Crime No.125 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a land dispute and the accused persons are said to have trespassed into the property and caused damage to the boundary stones. They also threatened the defacto complainant with dire consequences. There are totally 4 accused persons in this case and the petitioners have been arrayed as A3 and A4.

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

4. Initially these petitioners along with A1 and A2 filed anticipatory bail petition



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in Crl.OP(MD).No.15077 of 2024. Anticipatory bail was granted by order an dated 09.09.2024. Thereafter, all the accused persons filed Crl.MP(MD).No.12511 of 2024 seeking for extension of time to surrender. The same was allowed by an order dated 21.11.2024. One week time was extended. Pursuant to this order, only A1 and A2 had surrendered and A3 and A4 were not able to surrender, as a result of which, the previous anticipatory bail granted in favour of A3 and A4 got cancelled automatically. It is under these circumstance, the present anticipatory bail petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case and the reasons assigned by the petitioners for not able surrender before the Court on time and considering the nature of dispute involved in this case and also taking note of the fact that A1 and A2 had surrendered as per the earlier order passed by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Kamuthi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a



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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:

[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 2 weeks and thereafter, as and when required.

[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

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



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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 269 of BNS, 2023. IPC.

sd/-
12/12/2024

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/12/2024
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE, KAMUTHI, RAMANATHAPURAM DISTRICT,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.21951 of 2024
Date :12/12/2024

RK/SKN (20/12/2024) 6P / 5C

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