



CRL OP(MD) No.23420 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23420 of 2023

1 P.LOGES BOOPATHI

2 SATHIARAJ

... PETITIONERS / ACCUSED No.2 & 3

Vs

THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

CRIME NO.308/2023

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.KARTHIKEYA VENKITACHALAPATHY Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.308/2023 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners/ A2 & A3, who apprehend arrest at the hands of the respondent



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police for the alleged offence under Section 3(i) TNPPDL Act, in Crime No.308 of 2023, seek anticipatory bail.

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2.The case of the prosecution is that due to heavy rain, the agricultural lands of the petitioners were submerged and due to which, they damaged the gate of kanmoi and adjusted two stones so as to allow the water to recede. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned Government Advocate (Crl.Side) submitted that when the matter was came up for hearing on 02.01.2024, this Court directed the the petitioners to restore the kanmoi and directed the Police Officials and other Revenue Officials/ Authorities to file a report before this Court after restoring the kanmoi. As per direction of this Court dated 02.01.2024, a report was filed by the Revenue Tahsildar, Aruppukottai and it states that the damaged kanmoi was restored by the petitioners and the defect was rectified.

4. Considering the facts and circumstances of the case and also considering the fact that the condition imposed by this Court was complied with by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

5.Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the



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Judicial Magistrate Court, Thiruchuli, Virudhunagar District, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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



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by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

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Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
23/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-971[I]
dated 23/01/2024)



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ORDER
IN
CRL OP(MD) No.23420 of 2023
Date :23/01/2024

SS/JGB/SAR- /30/01/2024/5P/6C

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