



CRL OP(MD) No.23543 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.23543 of 2023

M.CHELLA MUTHU

... ACCUSED/RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.237/2023).

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.SENTHILKUMAR, Advocate

For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.237/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 286 and 429 of IPC and Section 9(B)(1)(b) of the Indian Explosives Act in Crime No.237 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's dog went to the petitioner's house and bite the explosive, thereby, the dog died. Hence, the Law Enforcing Authority, registered a case against the petitioner.



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3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he is a farmer and he possessed some detonators for the purpose of chasing away the pigs. However, he is ready to abide any condition that may be imposed by this Court and also ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, to show his bona-fide. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State submitted that without any license, the petitioner possessed the country made bombs in order to destroy the pigs and unfortunately, the de-facto complainant's dog was bite the bombs and died. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048, without prejudice to his rights and contentions to show his bona-fide, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be



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released on 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 Court, Thiruppuvanam, 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 learned Magistrate concerned and on further condition that:

(a) if the petitioner 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 petitioner shall make a non-refundable deposit of Rs.5,000/- (Rupees Five Thousand) by way of Demand Draft/RTGS/NEFT to the credit of "The Director, Arignar Anna Zoological Park, Grand Southern Trunk Road, Vandalur, Chennai-600 048," for welfare of the animals, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c) the sureties shall affix his photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

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

sd/-
05/01/2024

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



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TO

1 THE JUDICIAL MAGISTRATE, THIRUPPUVANAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DIRECTOR,
ARIGNAR ANNA ZOOLOGICAL PARK,
GRAND SOUTHERN TRUNK ROAD,
VANDALUR, CHENNAI - 600 048.

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-240[I] dated 05/01/2024)

ORDER
IN

CRL OP(MD) No.23543 of 2023

Date :05/01/2024

RS/JGB/SAR-(10.01.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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