



CRL OP(MD). No.22923 of 2024

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

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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1.Gunasekaran @ Gunasekara Pandiyan

2.S.Prabhakaran

3.Muniyasamy

...Petitioners/ Accused Nos.1, 2 & 4

Vs

The State of Tamil Nadu,
Rep., by
The Inspector of Police,
Mudukulathur (L&O) PS,
Ramanathapuram District.
(Crime No.297 of 2024)

... Respondent/Complainant

For Petitioners : Mr.P.Balamurugan
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.297 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners/ Accused Nos.1, 2 and 4, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 189(2), 329(4), 132, 121 of of BNS and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.297 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 20.12.2024 at about 11.30 am, when the public auction was going on, the accused persons and some other persons fought and broke the office chairs worth about Rs.3,000/- in which fight, some police Constables were injured. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they were falsely implicated in this case. They have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) submits that the petitioners have caused damage to public property worth Rs.3,000/- in the public action. Hence, he objected to grant anticipatory bail to the petitioners. However, he fairly submits that there is no previous case as against the petitioners and nobody was injured.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by the learned counsel on either side,



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the nature of offences charged against the petitioners and also considering the fact that there is a dispute pending between the parties in respect of the tender process and that nobody was injured, I am inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on anticipatory bail on condition to 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 Judicial Magistrate, Mudukulathur, Ramanathapuram District and on further conditions that:

[b] the petitioners shall report before the respondent Police daily for a period of thirty days and thereafter as and when required for interrogation.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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



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Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[g] If the accused thereafter absconds, a fresh FIR can be registered under

Section 269 B.N.S.

sd/-
27/12/2024

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/ 01 / 2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ABR

TO

1 THE JUDICIAL MAGISTRATE
MUDUKULATHUR, RAMANATHAPURAM DISTRICT.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
MUDUKULATHUR (L AND O) POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.P.BALAMURUGAN, Advocate (SR-15909[I] dated 27/12/2024)



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ORDER
IN
CRL OP(MD) No.22923 of 2024
Date :27/12/2024

PSP/ SKN /SAR /02.01.2025/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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