



CRL OP(MD). No.51 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Chinnadurai,

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
(Cr.No. 431 of 2024).

... Respondent/ Complainant

For Petitioner : Mr.B.Senthilkumar,
Advocate.

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

For Intervener : Mr.R.Anand, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 431 of 2024 on the file of the Respondent police.



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WEB COPY ORDER: The Court made the following order :-

The petitioner / Accused No.1, who apprehends arrest at the hands of the respondent Police for the offences under Sections 329(3), 303 (2) of the BNS, 2023 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss Act) 1992 in Crime No.431 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that there was a land dispute between the petitioner and the defacto complainant and that on the date of occurrence, the petitioner had used his JCB machine and caused damage to the solar fencing and barbed fencing spanning 250 metres and caused loss of a sum of Rs.2,00,000/-.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

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 the parties are agitating their rights before the competent Civil Court and considering



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the nature of allegation made against the petitioner, this Court is inclined to grant
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anticipatory bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.III, Tirunelveli, Tirunelveli District 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.431 of 2024 on the file of the learned Judicial Magistrate No.III, Tirunelveli, Tirunelveli District.

[c] The petitioner shall report before the respondent police as and when required for interrogation;



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[d] It is made clear that both the parties shall not resort to any violence or threat and both the parties will resolve their dispute only in the pending suit before the Civil Court;

[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 269 of BNS 2023.

sd/-
06/01/2025

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

TSG



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.SENTHIL KUMAR, Advocate (SR-127[I] dated 07/01/2025)

ORDER
IN
CRL OP(MD) No.51 of 2025
Date :06/01/2025

SS/SKN/SAR- /21/01/2025/ 5P/6C

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