



CRL OP(MD). No.946 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Athinarayanan

... Petitioner / Accused No.1

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
(Crime No.8 of 2025)

... Respondent/Complainant

For Petitioner : Mr.R.Karunanidhi,
Advocate

For Respondent : Mr.A.Albert James,
Government Advocate
(Criminal Side)
Mr.M.Kannan for Intervenor

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

PRAYER :-

For Anticipatory Bail in Crime No. 8 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 329(4), 324(2), 303(2) of BNS, 2023 and Section 3 of The Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, in Crime No.8 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the mother of the defacto complainant entered into an agreement of sale with A1. Thereafter, a suit for specific performance came to be filed in O.S.No.64 of 2018 before the Sub-Court, virudhunagar. This suit was decreed by judgment and decree dated 04.03.2023. In order to execute the decree, E.P.No.87 of 2023 was also filed and it was pending. While so, it is alleged that the accused persons demolished the house property by using a JCB machine. There are totally 2 accused persons in this case and the petitioner has been arrayed as A1.

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



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4. Taking into consideration the facts and circumstances of the case and considering the fact there is a civil dispute between the parties and the decree that was passed by the trial Court is now a subject matter of appeal in A.S.No.22 of 2024 pending before the Additional District Court, Virudhunagar, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Sivakasi, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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.



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[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
22/01/2025

/ TRUE COPY /

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

PKN



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TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE ADDITIONAL DISTRICT JUDGE,
VIRUDHUNAGAR.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-710[I] dated 23/01/2025)

+1 CC to M/s.M.KANNAN, Advocate (SR-699[I] dated 23/01/2025)

ORDER
IN
CRL OP(MD) No.946 of 2025
Date :22/01/2025

SS/SKN/SAR- /30/01/2025/ 5P/8C

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