



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

Tuesday, the Third day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3321 of 2015

VELU

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THOTTIAM POLICE STATION, TRICHY DT.
CR. NO. 362/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N. SATHISH BABU Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 380 and 452 I.P.C. r/w Section 3(1) of PPDDL Act, altered into Sections 427 and 448 I.P.C. in Crime No.362 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

3. This is the second anticipatory bail application. On 26.02.2015, this Court passed the following order:

"Heard the learned Counsel for the petitioner.

This is the second anticipatory bail application. The respondent police is present and the learned Government Advocate (Crl.Side), on instructions from the respondent police, submits that the accused had caused damage to the tune of Rs.20,000/- of the articles of the defacto complainant.

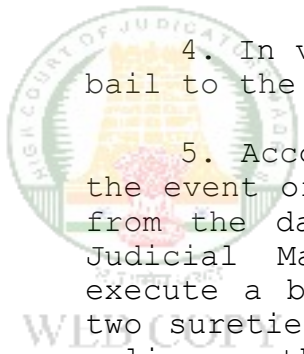
The learned Counsel for the petitioner submits that the petitioner is willing to pay as interim compensation, a sum of Rs.10,000/- without prejudice to his defence in the criminal case.

If that is so, the petitioner is directed to file an undertaking affidavit before this Court.

Adjourned to 03.03.2015."

4. Today, the learned Counsel for the petitioner has sworn an affidavit, in which in paragraph No.4, it is stated as follows:

"4. Therefore, I hereby express my willingness and readiness to pay the above said amount of Rs.10,000/- as interim compensation to complainant without prejudice to my right in the event of contesting this case."



4. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri 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] the petitioner shall deposit a sum of Rs.10,000/- before the learned Judicial Magistrate, Musiri, without prejudice to his defence in the criminal case and the learned Judicial Magistrate is directed to issue notice to the defacto complainant and disburse the same without sureties as interim compensation and on making such deposit of Rs.10,000/-, the learned Judicial Magistrate shall accept the bonds.

(b) the petitioner shall report before the respondent police daily at 06.30p.m. for a period of two weeks and thereafter 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 Judicial 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 Judicial 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) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioner is complying with the order or not.

sd/-
03/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,MUSIRI.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3.THE ADDL. PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE INSPECTOR OF POLICE

THOTTIAM POLICE STATION, TRICHY DISTRICT.

+1. CC to M/S.N. SATHISH BABU Advocate SR.No.10046

ORDER

IN

CRL OP(MD) No.3321 of 2015

Date :03/03/2015