



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11563 of 2016

MAHATHEVAN,

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.90 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S D.BALAMURUGAPANDI Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 387, 506(ii) IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992, in Crime No.90 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

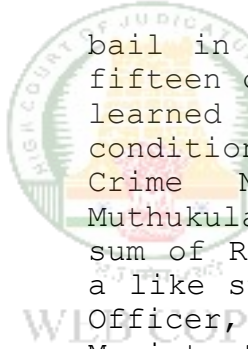
2.The case of the prosecution is that the petitioner and other accused scolded and threatened the de facto complainant demanding money and damaged his auto. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Both the petitioner and de facto complainant are auto drivers. Due to wordy quarrel, the de facto complainant gave complaint against the petitioner and other accused and the respondent police refused to receive the complaint given by the petitioner.

5.The learned counsel for the petitioner submitted that petitioner is willing to deposit Rs.2,500/- to the credit of Crime No.90 of 2016 before the learned Judicial Magistrate, Muthukulathur.

6.Heard the learned Government Advocate (Criminal side).

7.Considering the facts and circumstances of the case and also the fact that this is case and case in counter, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Muthukulathur, Ramanathapuram District on condition that the petitioner shall deposit Rs.2,500/- to the credit of Crime No.90 of 2016 before the learned Judicial Magistrate, Muthukulathur, Ramanathapuram District and he 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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].

8.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-

14/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, MUTHUKULATHUR,
RAMANATHAPURAM DISTRICT.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE,
KADALADI POLICE STATION, RAMANATHAPURAM DISTRICT.

+1. CC to M/S D.BALAMURUGAPANDI Advocate SR.No.36516.

ORDER

IN

CRL OP(MD) No.11563 of 2016

Date :14/07/2016