



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.11607 of 2016

1 M.CHITHRAVEL,
2 SIVAKUMAR,
3 RAJENDRAN,

... PETITIONERS / ACCUSED Nos.4 to 6
Vs

State rep.by
THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.375 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S G.MARIMUTHU Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.4 to 6, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 447, 294(b), 506(ii), 109 IPC and Section 4 of Tamil Nadu Property (Prevention of Damage & Loss) Act, in Crime No.375 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

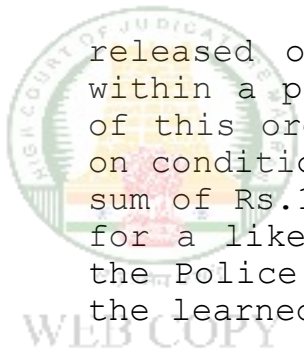
2.The case of the prosecution is that the petitioners along with other accused damaged the compound Wall constructed by the defacto complainant and the value of damage is worth Rs.15,000/-. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. There is a civil dispute is pending between the petitioners and the defacto complainant. The petitioners filed a suit in O.S.No.41 of 2016 and obtained an order of Interim Injunction.

4.The learned counsel for the petitioners submitted that A.1 to A.3 already deposited a sum of Rs.15,000/- in this case as per the order dated 22.06.2016 made in Crl.O.P(MD)No.9861 of 2016.

5.Heard the learned Government Advocate (Crl.Side).

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be



released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, on condition that each of the petitioners 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 petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 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 Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are 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, RAJAPALAYAM

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S G.MARIMUTHU Advocate SR.No.36597

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ORDER

IN

CRL OP(MD) No.11607 of 2016

Date :14/07/2016