



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

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11994 of 2016

CHINNADURAI

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
(IN CR.NO.426/2016)

VIRUDHUNAGAR DISTRICT. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.RAJAMOHAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

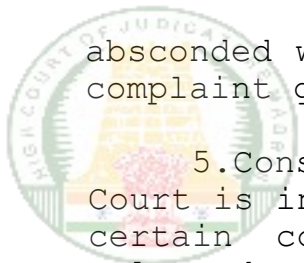
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324, 451 and 506(i) IPC read with Section 4 of TNPWH Act and Section 3 of TNPPDL Act, in Crime No.426 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, on 14.07.2016 at about 10.00 p.m., the accused persons trespassed into the house of the de facto complainant with wooden log and broken the tube light and T.V. Set worth about Rs.3,000/- and abused the de facto complainant and his wife in filthy language and attacked them. On complaint, a case has been registered for the above said offences.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent and he has not committed any offence. This is a case and case in counter. The learned counsel for the petitioner further submitted that the petitioner is willing to deposit a sum of Rs.3,000/- to the credit of Crime No.426 of 2016 before the learned Judicial Magistrate, Sivakasi.

4.It is submitted by the learned Government Advocate (Crl.Side) that the injured person had left the hospital voluntarily and he has



absconded with a view to escape from the enquiry with regard to the complaint given by the petitioner against him.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Sivakasi, on condition that the petitioner shall deposit a sum of Rs.3,000/- to the credit of Crime No.426 of 2016 before the learned Judicial Magistrate, Sivakasi 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]**.

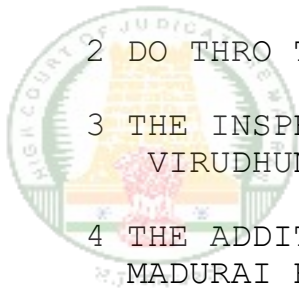
6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
19/07/2016

/ TRUE COPY /

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

TO



2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE, THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

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+1. CC to M/S R.RAJAMOHAN Advocate SR.No.37619

ORDER

IN

CRL OP(MD) No.11994 of 2016

Date :19/07/2016

SDR/PEK/SAR III/22.07.2016/3P/6C