



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

Friday, the Twenty Ninth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13304 of 2016

1 KUMARESAN @ KUMARAN

2 SUBBAIAH

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

ETTAYAPURAM POLICE STATION,

ETTAYAPURAM, THOOTHUKUDI DISTRICT.

CR.NO. 171 OF 2016.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.THIRUVADIKUMAR Advocate

For Respondent : Mr.P.KANNITHEVAN, Government 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.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 448, 506(ii) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss), Act,1992, in Crime No.171 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

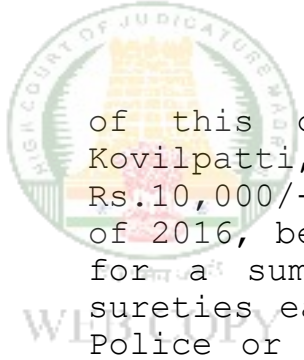
2.The case of the prosecution is that the petitioners along with other accused persons entered into the defacto complainant premises and damaged the compound Wall worth Rs.15,00,000/-. When the same was questioned, they attacked the defacto complainant. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and pray for anticipatory bail in favour of the petitioners.

4.The learned counsel for the petitioners submitted that the petitioners are ready and willing to deposit a sum of Rs.10,000/-.

5.It is submitted by the learned Government Advocate (Crl.Side) that the petitioners along with other accused damaged the compound wall of the defacto complainant.

6.Considering the facts and circumstances of the case and also considering the submission on the side of the petitioners, 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 No.II, Kovilpatti, on condition that the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.171 of 2016, before the said Court and each of them 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/-

29/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ETTAYAPURAM POLICE STATION, ETTAYAPURAM, THOOTHUKUDI DISTRICT.

+1. CC to M/S.A.THIRUVADIKUMAR Advocate SR.No.40732

ORDER IN

CRL OP(MD) No.13304 of 2016

Date : 29/07/2016