



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

Monday, the First day of August Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.13397 of 2016

VANUMAMALAI @ KURALI

... PETITIONER/ ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO.156 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S N.BABU Advocate

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

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

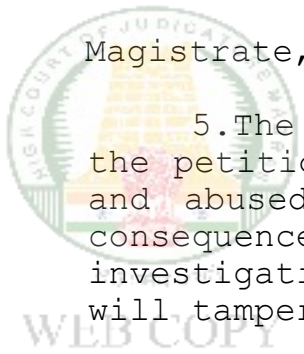
ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 21.06.2016 for the alleged offences punishable under Sections 447, 294(b), 506(ii) IPC and Section 3 of TNPPDL Act in Crime No.156 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 20.06.2016, the petitioner trespassed into the house of the de fact complainant and abused him in filthy language and threatened him with dire consequences and also damaged the roof tiles worth Rs.400/-. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 21.06.2016.

4.The learned counsel for the petitioner further submitted that the petitioner is willing to deposit a sum of Rs.1,000/- to the credit of Crime No.156 of 2016 before the learned Judicial



Magistrate, Nanguneri, Tirunelveli District.

5.The learned Government Advocate (Crl. side) submitted that the petitioner trespassed into the house of the de fact complainant and abused him in filthy language and threatened him with dire consequences and also damaged the roof tiles worth Rs.400/- and investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 21.06.2016 and also considering the submission made on the side of the petitioner, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall deposit a sum of Rs.1,000/- to the credit of Crime No.156 of 2016 before the learned Judicial Magistrate, Nanguneri, Tirunelveli 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 learned Judicial Magistrate, Nanguneri, Tirunelveli District.
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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].

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 petitioner is complying with the condition or not.

sd/-
01/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)



TO

1 THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

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

4 THE INSPECTOR OF POLICE, NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S N.BABU Advocate SR.No.40946

smn

JM/AAL-MPA/SAR-III/01.08.2016/3P-6C

ORDER

IN

CRL OP(MD) No.13397 of 2016

Date :01/08/2016