



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

Monday, the Eighth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14037 of 2016

1 THARMALINGAM @ KOODALINGAM
2 MUTHUKUMAR

... PETITIONER/ACCUSED No.1&2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION,
SRIVILLIPUTHUR TALUK,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.118 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S T.INDRACHITHU 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 :-

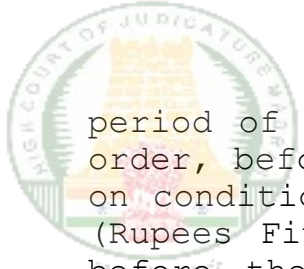
The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) and 506(i) IPC and Section 4 of TNPPDL Act, in Crime No.118 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant and caused damages to his plantation.

3.The learned counsel for the petitioners submitted that the petitioners are willing to deposit a sum of Rs.5,000/- to the credit of Crime No.118 of 2016 before the learned Judicial Magistrate No.II, Srivilliputhur.

4.The learned Government Advocate (Criminal side) submitted that the petitioners caused damages to the defacto complainant's plantation and no one sustained injury.

5.Considering the facts and circumstances of the case and also considering the fact that no one sustained injury, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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, Srivilliputhur, on condition that the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.118 of 2016 before the learned Judicial Magistrate No.II, Srivilliputhur and 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]**.

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 petitioners are complying with the conditions or not.

sd/-

08/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUTHUNAGAR DISTRICT
- 3 THE INSPECTOR OF POLICE
MAMAPURAM POLICE STATION, SRIVILLIPUTHUR TALUK,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S T.INDRACHITHU Advocate SR.No.42759

ORDER IN

CRL OP(MD) No.14037 of 2016

Date :08/08/2016