



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

Wednesday, the Tenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.14368 of 2016

1 BALA @ BALAKRISHNAN

2 KUTTAI KANNAN @ SUNDARRAJ

3 BEEMA @ SUBRAMANI

... PETITIONERS/ACCUSED 1 TO 3

Vs

STATE REP BY THE INSPECTOR OF POLICE

GANESH NAGAR POLICE STATION, PUDUKKOTTAI DISTRICT

CR.NO.274 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SUBASH 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 :-

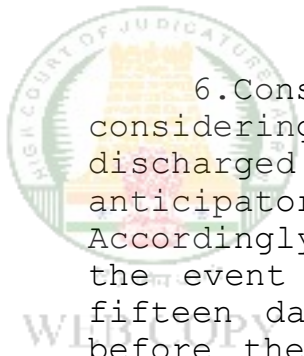
The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b) and 323 IPC and Section 4 of Prevention of Damage to Public Property Act, in Crime No.274 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused set fire to the defacto complainant's Yamaha bike and also threatened him with dire consequences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned counsel for the petitioners submitted that the petitioners are willing to deposit a sum of Rs.10,000/- each to the credit of Crime No.274 of 2016 before the learned Judicial Magistrate, Pudukkottai.

5.The learned Government Advocate (Criminal side) submitted that the injured person had already been discharged from the hospital and there are five accused in this case and the petitioners along with other accused set fire to the defacto complainant's bike worth about Rs.75,000/-.



6. Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital, 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, Pudukkottai, on condition that each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees Three Thousand only) to the credit of Crime No.274 of 2016 before the learned Judicial Magistrate, Pudukkottai 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]**.

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/-
10/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PUDUKKOTTAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI
- 3 THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION, PUDUKKOTTAI DISTRICT
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.SUBASH BABU Advocate SR.No.43564

ORDER IN
CRL OP(MD) No.14368 of 2016
Date : 10/08/2016