



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

WEB COPY

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

CRL OP(MD) No.14928 of 2016

1 IGNATIUS SHAHAYA GROSS
2 MERLIN

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME No. 142 of 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONERS: M/S.A.KESAVAN, 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, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 109, 447 and 506(i) IPC read with Section 3(i) of Tamilnadu Public Property (Prevention of Damage and Loss) Act, in Crime No.142 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 09.08.2016, the petitioners entered into the house of the defacto complainant and made quarrel with the defacto complainant, at that time, the petitioners had broken the window glass of the defacto complainant's house and also threatened him with dire consequences. On complaint, a 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 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.142 of 2016 before the learned Judicial Magistrate, Valliyoor.



5.The learned Government Advocate (Criminal side) submitted that the petitioners damaged the window glass of the defacto complainant's house and investigation is pending.

6.Considering the facts and circumstances of the case and the contention of the learned Government Advocate (Crl. Side), 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, Valliyoor, on condition that the petitioners shall deposit a sum of Rs.10,000/- each, to the credit of Crime No.142 of 2016 before the learned Judicial Magistrate, Valliyoor, 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 first petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders and the second petitioner shall report before the respondent police as and when required for interrogation.
- (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/-
17/08/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.A.KESAVAN Advocate SR.No. 45020

ORDER

IN

CRL OP(MD) No.14928 of 2016

Date :17/08/2016

PJL

TE/SS-3/SAR-III : 23/08/2016 : 3P/6C