



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

Thursday, the First day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.16351 of 2016

MADASAMY

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION,
KURUVIKULAM, TIRUNELVELI DISTRICT.
(CRIME NO.22 OF 2011)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.ANANDAKUMAR Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 353, 506(ii) of IPC and Section 3 of TNPPDL Act r/w. 34 of IPC, in Crime No.22 of 2011, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 09.02.2011, at 11.45 a.m. the petitioner along with other accused persons conducted a road race and at that time they damaged the left side front window of the TNSTC bus bearing Registratrion No.TN-67-N-0473. The defacto complainant, who is the driver of the TNSTC bus lodged a complaint before the respondent police. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that co-accused has already granted anticipatory bail by this Court in Crl.O.P(MD).No.14420 of 2016, dated 11.08.2016, and prays for anticipatory bail.

4.The learned Government Advocate (Criminal side) submitted that after completion of investigation, charge sheet has been filed and the case was taken in P.R.C.No.121 of 2014 on the file of the learned Judicial Magistrate, Sankarankovil.



5.Considering the facts and circumstances of the case and also considering the fact that co-accused has already granted anticipatory bail by this Court Crl.O.P(MD).No.14420 of 2016, dated 11.08.2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, on condition that the petitioner 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 petitioner shall report before the concerned Court daily at 10.30 a.m. for a period of two weeks and subsequently, for all future hearing dates without fail.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 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]**.

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 petitioner is complying with the conditions or not.

sd/-

01/09/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, SANKARANKOVIL
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE INSPECTOR OF POLICE, KURUVIKULAM POLICE STATION,
KURUVIKULAM, TIRUNELVELI DISTRICT.
- +1. CC to M/S.V.SELVA, Advocate SR.No.49042
RL/6C/2P/SKS/RR/SARI/2/9/2016

ORDER

IN

CRL OP(MD) No.16351 of 2016

Date :01/09/2016