



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

Thursday, the Third day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20639 of 2016

P.SUYAMBU

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

PAZHAVOOR POLICE STATION,

TIRUNELVELI DISTRICT.

CR. NO.208/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.VINAYAK Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148 IPC r/w Section 3 of TNPPDL Act, 1992 in Crime No.208 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner along with other accused assembled unlawfully and damaged the bus shelter constructed in S.No.141/1 at Pazhavor Village, Tirunelveli District, which resulted in registration of the present case.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he had nothing to do with the alleged offences.

5. Learned Government Advocate (Crl.Side) submitted that the petitioner has unauthorizedly removed the bus shelter and caused hindrance to the general public.

6. It is seen that the petitioner is the Village President, who along with other persons made a representation to the Collector for construction of new bus shelter and removed the existing one on the basis of the insistence by the Ward Members on receipt of necessary



fees. Therefore, considering the facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioner.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Valliyoor, Tirunelveli District, subject to the following conditions:**

(i) **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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) **the petitioner shall report before the respondent police daily at 10:30am for one week and thereafter as and when required for interrogation;**

(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 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 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]**.

sd/-

03/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

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

+1cc to M/s.S.VINAYAK, Advocate in SR.65796