



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

Wednesday, the Second day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20835 of 2016

NAGARAJ

... PETITIONER/ACCUSED NO.4

Vs

THE STATE REPRESENTED BY ,
THE INSPECTOR OF POLICE,
AMBATHURAI POLICE STATION,
DINDIGUL DISTRICT
CRIME NO.262/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.KARTHIKEYA Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

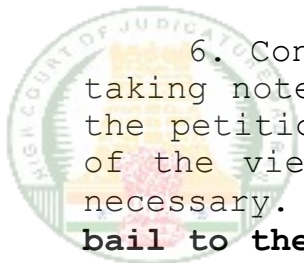
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 341, 120(b) IPC r/w Section 3(1) of TNPPDL Act in Crime No.262 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

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 caused damage to the front mirror of the bus, driven by the defacto complainant by throwing a bottle.

4. Learned counsel for the petitioner submitted that only based on the confession of the main accused, the petitioner has been implicated in this case and he has nothing to do with the alleged offence.

5. Learned Government Advocate (Crl. Side) submitted that there was a damage to the mirror of the bus to the tune of RS.10,000/- and five persons are involved in the alleged occurrence.



6. Considering the facts and circumstances of the case and also taking note of the fact that based on the confession of co-accused, the petitioner was added as an accused in this case, this Court is of the view that custodial interrogation of the petitioner is not necessary. **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 No.III, Dindigul, 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 deposit a sum of Rs.2,000/- to the credit of Crime No.262 of 2016 before the learned Judicial Magistrate No.III, Dindigul within a period of two weeks from the date on which a copy of the order is made ready;

(iii) **the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;**

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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/-

02/11/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL.

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE INSPECTOR OF POLICE,
AMBATHURAI POLICE STATION, DINDIGUL DISTRICT CR.NO.262/2016

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

+1. CC to M/S.M.KARTHIIKEYA Advocate SR.No.65129

AR

CSL/CK/SAR-I/10.11.2016: 3P/6C

ORDER

IN

CRL OP(MD) No.20835 of 2016

Date :02/11/2016