



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

Monday, the Fourteenth day of March Two Thousand Sixteen

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.4348 of 2016

ARUMUGAM

... PETITIONER/ACCUSED NO.1

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
OTTANCHATHIRAM POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 35 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.A.EBENEZER Advocate
For Respondent : MR.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Section 4 of Prevention of Tamil Nadu Open Places Disfigurement Act, Section 85 I.P.C., and Section 5 of T.N.P.P.D.L.Act, in Crime No.35 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.T.A.Ebenezer, learned counsel appearing for the petitioner / first accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that earlier this Court, by Order dated 28.01.2016, in Crl.O.P.(MD) No.1536 of 2016, granted anticipatory bail to the petitioner / first accused. But, he had not produced sureties in time before the Court below and on account of which, the anticipatory bail granted to him got lapsed. The petitioner / first accused filed an affidavit, dated 24.02.2016, giving reasons for not producing sureties in time. The relevant portion of the affidavit reads as follows:

"7.The Petitioner humbly submits that he was granted anticipatory bail in Crl.O.P.(MD) No.1536 of 2016 on 28.1.2016. But, in the order, the Section 4 of Prevention of Tamil Nadu Open Places Disfigurement Act was not incorporated. Hence, the Petitioner got permission from this Hon'ble Court for being mentioned, and got the order of amendment by the order of this Hon'ble Court



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dated 3.02.2016 and incorporated the missed provision and also the extension of time after the amendment order. The order copy was made ready and delivered on 4.2.2016 and due to the unavailability of sureties, the Petitioner was unable to execute the bond before the Learned Magistrate. Since the case has been registered in the political animosity, and the Petitioner apprehends false case on the hands of the Respondent police, he was unable to arrange the sureties freely and hence the delay was caused and subsequently the time granted by this Hon'ble Court for executing sureties expired on 18.02.2016. Now, the Petitioner arranged the sureties and ready to execute the bond."

4. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner / first accused. Accordingly, he 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, Ottanchathiram, Dindigul District, on condition that the petitioner / first accused 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 / first accused shall report before the respondent Police daily at 10.30 a.m., until further orders.
- (ii) the petitioner / first accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners / first accused 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 / first accused in accordance with law as if the conditions have been imposed and the petitioner / first accused 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]**.

5. 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/-

14/03/2016

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TO

1 THE JUDICIAL MAGISTRATE,
OTTANCHATHIRAM, DINDIGUL DISTRICT.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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

4 THE INSPECTOR OF POLICE
OTTANCHATHIRAM POLICE STATION,
DINDIGUL DISTRICT.

+1. CC to M/S T.A.EBENEZER Advocate SR.No.14671

akm/16.03.2016/3p-6c/MP/AN/AR-I

ORDER

IN

CRL OP(MD) No.4348 of 2016

Date :14/03/2016