



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

Thursday, the Thirty First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.11380 of 2017

MANTHIRAM

... PETITIONER / A 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO. 261 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.R.DURAI RAJ Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

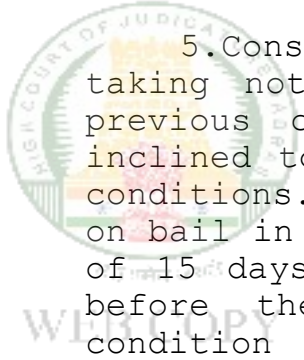
ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 353 (A) of IPC and Section 3 of TNPPDL Act, on the file of the respondent Police in Crime No.261 of 2017. Hence, he seeks anticipatory bail.

2.The case of the prosecution is that the accused caused damages to the mirror of the Veerapandiya Katta Pomman Statue and also thrown the cow dung on the statue. The value of the damage is worth about to Rs.2,000/-.

3.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the defacto complainant. No such occurrence was held as alleged by the respondent police and he did not involve with the alleged offence and he is an innocent person and the petitioner has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 5 named accused in this case and the petitioner herein is arrayed as A2. A1 & A5 were arrested and released on bail by this Court as per order in Crl.O.P(MD)No.10708 of 2017, dated 11.08.2017. A4 was also granted anticipatory bail by this Court as per order in Crl.O.P(MD)No.10864 of 2017 dated 18.08.2017. A1 and A5 were directed to deposit a sum of Rs.1,000/- each before the concerned Court as per the order by this Court. The Investigation is still pending.



5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is not having any previous case in the similar type of offences, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Srivaikundam, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police for a period of three weeks and thereafter, as and when required.

[b]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioner shall not abscond either during investigation or trial.

[d]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).

sd/-

31/08/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.29711

ORDER

IN

CRL OP(MD) No.11380 of 2017

Date :31/08/2017