



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

Friday, the Sixth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13511 of 2017

1 SENTHILVELMURUGAN
2 NAMBINARAYANAN

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KALAKAD POLICE STATION,
TIRUNELVELI DISTRICT ,
CR.NO.402/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.T.SASIDHARAN TAMILKANI Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

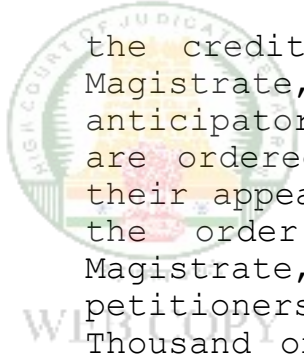
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b) and 506(i) of IPC and Section 3(1) of TNPPDL Act in Crime No.402 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant is residing at adjacent house of the petitioners' house. On the date of occurrence, there was a wordy quarrel between the petitioners and the de facto complainant, out of that dispute, the petitioners damaged the compound wall of the de facto complainant, worth about Rs.35,000/-.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. However, the learned counsel agrees to deposit a sum of Rs.35,000/- to the credit of Crime No.402 of 2017 before the learned Judicial Magistrate, Nanguneri, Tirunelveli District without prejudice to his defence before the concerned Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instruction, would submit that the damaged compound wall worth about Rs.35,000/- and the investigation is still pending.

5.The Court, after considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioners that the petitioners would pay a sum of Rs.35,000/- to



the credit of Crime No.402 of 2017 before the learned Judicial Magistrate, Nanguneri, Tirunelveli District, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Nanguneri, Tirunelveli District on condition that the petitioners shall pay a sum of Rs.35,000/- [Rupees Thirty Five Thousand only] to the credit of Crime No.402 of 2017 before the learned Judicial Magistrate, Nanguneri, Tirunelveli District and on further condition that the petitioners shall execute a bond for a sum of Rs.25,000/- [Rupees Twenty Five 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 petitioners shall deposit a sum of Rs.35,000/- (Rupees thirty five thousand only) to the crime of Crime No.402 of 2017 on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli District, without prejudice to his defence before the concerned Court and on such deposit, the concerned Magistrate is directed to disburse the same as compensation to the defacto complainant and thereafter, the concerned Magistrate accept the sureties furnished by the accused persons.

[b] the petitioners shall report before the respondent Police as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

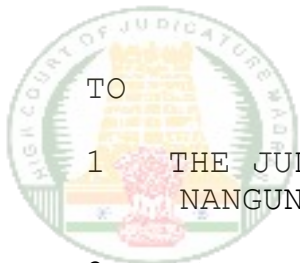
[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not commit any offence while on bail.

[f] on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
06/10/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
KALAKAD POLICE STATION, TIRUNELVELI DISTRICT ,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.T.SASIDHARAN TAMILKANI Advocate SR.No.32228

JAM/11.10.17/CM-MSA/SAR 4 / 3P-6C

ORDER

IN

CRL OP(MD) No.13511 of 2017

Date :06/10/2017