



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

Tuesday, the Twenty Eighth day of November Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP(MD) No.16293 of 2017

1 SOUNDARAPANDI

2 YESUDOSS

... PETITIONERS/ ACCUSED NO.2 & 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

KAYATHAR POLICE STATION,

THOOTHUKUDI DISTRICT.

(CRIME NO.374 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.SELVAKUMAR, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 447 and 506(ii) of I.P.C. r/w. Section 3(1) of the Tamil Nadu Public Property (prevent of damage and loss) Act, 1992, in Crime No.374 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 03.11.2017, the petitioners and A1 trespassed into the defacto complainant's school and consumed alcohol in the school ground. The illegal action was questioned by the defacto complainant and thereby, the petitioner attacked the school van mirror and caused damages worth about Rs.10,000/- (Rupees Ten Thousand only). Hence, the defacto complainant lodged a complaint against petitioners before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and did not commit any offence as alleged by the prosecution. The petitioner has already filed anticipatory bail before this Court in Crl.O.P.(MD)No.15568 of 2017, however, this Court dismissed the anticipatory bail on 15.11.2017. The change of circumstances in the present case is A1 was arrested and released on bail and A3 has also been granted anticipatory bail before the lower Court. As far as second petitioner/A3 is concerned, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition and he also made an endorsement to



that effect. This petition is dismissed as withdrawn as against the second petitioner/A3.

4. The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the facts made by the learned counsel for the petitioners.

5. Considering the facts and circumstances of the case and also considering the learned counsel for the petitioners, I am inclined to grant anticipatory bail to the first petitioner/A2 with certain conditions. Accordingly, the first petitioner/A2 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 No.II, Kovilpatti, on condition that the first petitioner/A2 shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties 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 first petitioner/A2 shall report before the respondent police, daily at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation;
- (ii) the first petitioner/A2 shall not tamper with evidence or witness either during investigation or trial;
- (iii) the first petitioner/A2 shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the first petitioner/A2 shall not abscond either during investigation or trial;
- (v) the first petitioner/A2 shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the first petitioner/A2 in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

28/11/2017

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.35237

ORDER

IN

CRL OP(MD) No.16293 of 2017

Date :28/11/2017

MS/CM-VR/SAR.3/04.12.2017/3P.6C