



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

Friday, the Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16920 of 2017

M.KATHIRAVAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT
CRIME NO. 739 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. G. MARIMUTHU 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 petitioner, who is arrayed as Sole Accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b) and 506(ii) of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No.739 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has damaged the compound wall worth about Rs.16,000/- which was constructed in the property belonging to one Pachiammal w/o Ramji, thereby she filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The learned counsel for the petitioner further submitted that since, a civil suit regarding property dispute is pending before the competent civil court, without prejudice to the civil Court, the petitioner is ready to deposit the damaged amount into the crime number.

4.The learned Government Advocate (Crl. Side) appearing for the state, did not dispute the facts submitted by the learned counsel for the petitioner.



5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side), I am 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 shall deposit a sum of Rs.16,000/- (Rupees Sixteen Thousand only) to the credit of Crime No.739 of 2017 before the learned Judicial Magistrate, Rajapalayam, without prejudice to his defence before the trial Court.

(ii) The learned Judicial Magistrate, Rajapalayam, is directed to accept the sureties after depositing the above said amount;

(iii) The petitioner shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(vi) the petitioner shall not abscond either during investigation or trial;

(vii) the petitioner shall not commit any offence while on bail;

(viii) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

08/12/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S. G. MARIMUTHU Advocate SR.No.35930

ORDER

IN

CRL OP(MD) No.16920 of 2017

Date :08/12/2017

SMA/RR/SAR-1/13.12.2017:2P/6C