



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

Wednesday, the Thirteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17181 of 2017

1 SAHAYAM SAMUVEL
2 MANICKAVASAGAM

... PETITIONER / ACCUSED NO.1 & 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PAVOORCHATIRAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.497 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.ALAGUSUNDAR Advocate

For Respondent : MR.M.MURUGAN for 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 are arrayed as Accused Nos.1 & 4, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 325 and 506(ii) of IPC and Section 3 of TNPPDL Act and Section 4 of TNPWH Act, in Crime No.497 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that initially the petitioners and the defacto complainant are neighbours. On 18.11.2017, the petitioners damaged the wall constructed by the defacto complainant and also used filthy language against the defacto complainant, thereby the defacto complainant filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. However, they are ready to deposit the damaged amount as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) appearing for the State would submit that the petitioners damaged the compound wall of the defacto complainant worth Rs.10,000/-.



5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioners, I am inclined to grant anticipatory bail to the petitioners on conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, Tirunelveli District, on condition that the petitioners 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 petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand) to the credit of Crime No.497 of 2017 before the Trial Court and thereafter, the learned Judicial Magistrate, Tenkasi, Tirunelveli District shall disburse the amount in favour of the defacto complainant immediately.
- (ii) The petitioners shall appear before the concerned Judicial Magistrate daily at 10.30 a.m., until further orders;
- (iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioners shall not abscond either during investigation or trial;
- (vi) the petitioners shall not commit any offence while on bail;
- (vii) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
13/12/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI, TIRUNELVELI DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
PAVOORCHATIRAM POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.ALAGUSUNDAR Advocate SR.No.36173

ORDER

IN

CRL OP(MD) No.17181 of 2017

Date :13/12/2017

MKV-CM-SAR 4/14.12.2017/3P-6C