



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

Wednesday, the Eighteenth day of January Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.296 of 2017

WEB COPY

SURESH

... PETITIONER / 1ST ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.149/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.CHELLAPANDIAN, Advocate

For Respondent : M/S.P.KANDASAMY, Govt.Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

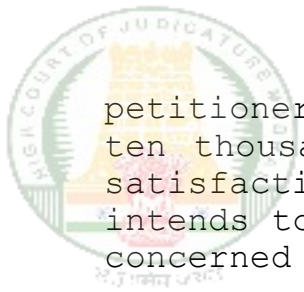
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 269, 278, 285, 353 and 506(ii) IPC in Crime No.149 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the Village Administrative officer, Pudupatti preferred the present complaint stating that the petitioner along with other accused transported plastic wastages from Kerala to Tamil Nadu. When the same was questioned by the de facto complainant, they threatened her with dire consequences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that totally 4 accused in this case and A2, A3 and A4 were arrested and released on bail by the Judicial Magistrate concerned. He further submitted that no one sustained injury and investigation is pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that no one sustained injury, I am inclined to grant anticipatory bail to the petitioner. 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, Alangulam, 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 daily at 10.30 a.m. for a period of 3 weeks.

[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/-
18/01/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.2)

TO

- 1 THE JUDICIAL MAGISTRATE
ALANGULAM, TIRUNELVELI DISTRICT.
 - 2 -DO THROUGH-
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.VENKATESH Advocate SR.No.3100

ORDER
IN
CRL OP(MD) No.296 of 2017
Date :18/01/2017

anr/skn-mm/sar2/19.01.2017/2p/6c