



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

Wednesday, the Fourth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.54 of 2017

1 KOMBAIAH @ KOMBAIAH PANDI

2 RAJA @ MARISUNDARRAJU

3 MUTHU @ MARIMUTHU

4 KARTHICK

..PETITIONERS/ACCUSED 1 to 4

Vs.

STATE REP.BY

THE SUB INSPECTOR OF POLICE

KAYATHARU POLICE STATION,

TUTICORIN DISTRICT.

(CRIME NO.514/2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.POLEX LEGAL SOLUTIONS Advocate

For Respondent : Mr.P.KANDASAMY, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

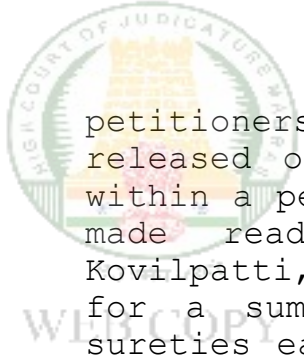
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 448, 380, 506(ii) IPC and Section 3(i) of TNPPDL Act, in Crime No.514 of 2016 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that while servicing the cell phone of the petitioners, a dispute arose between the petitioners and the de facto complainant. Due to which, the petitioners damaged the shop of the de facto complainant and also abused him in filthy language.

3.The learned counsel for the petitioners submitted that the 1st petitioner has also preferred a complaint before the respondent Police as against the de facto complainant and the same was registered in Crime No.515 of 2016. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that it is a case of case in counter. He further submitted that the petitioners damaged the furnitures of the de facto complainant's cell phone service shop and the damaged worth about Rs.20,000/-.

5.Considering the facts and circumstances of the case and also considering the gravity of offence said to have been committed by the petitioners, 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 No.II, Kovilpatti, on condition that the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

[c]the petitioners 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 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)**.

[e]the petitioners shall deposit a sum of Rs.20,000/- (rupees twenty thousand only) to the credit of Crime No.514 of 2016 on the file of the concerned Judicial Magistrate.

sd/-

04/01/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI,
THOOTHUKUDI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

4 THE SUB INSPECTOR OF POLICE, KAYATHARU POLICE STATION,
TUTICORIN DISTRICT.

+1. CC to M/S.POLEX LEGAL SOLUTIONS Advocate SR.No.659

ORDER IN

CRL OP(MD) No.54 of 2017

Date : 04/01/2017