

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17585 of 2018

1 BHARATHI, [PETITIONERS / ACCUSED]
2 SIVA,
3 KULANTHAIVELU,

Vs

THE STATE REP. BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
VELIPALAYAM POLICE STATION,
NAGAPPATTINAM DISTRICT.
CR.NO.178 OF 2018

For Petitioner : M/S.GREETHA SENTHILKUMAR Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.178 of 2018 registered by the respondent police for the offence punishable under Section 435 of IPC and Section 4 of TNPPDL Act.

2. The case of the prosecution as per the de-facto complainant is that due to a business dispute, the petitioners have set fire to the hearse van belonging to the defacto complainant.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that without prejudice to their contentions, each of the petitioner is prepared to deposit Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.178 of 2018.

4. The learned Additional Public Prosecutor would submit that due to a business rivalry, the petitioners have set fire to the hearse van belonging to the defacto complainant and that the damage has been valued at Rs.53,000/-.

5. Taking into consideration the facts of the case and the submissions made by the counsels and that the undertaking given by the petitioners that they are prepared to deposit Rs.15,000/- each, I am inclined to grant anticipatory bail to the petitioners subject to the

following conditions:

6. 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-II, Nagappattinam, on condition that each of 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 said Magistrate, on further condition that:

[a] each of the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.178 of 2018 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

[c] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[d] the petitioners shall report before the respondent police daily at 10.30.a.m until further orders.

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

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP. BY ITS
THE INSPECTOR OF POLICE,
VELIPALAYAM POLICE STATION,
NAGAPPATTINAM DISTRICT.

+1 CC to M/S.GREETHA SENTHILKUMAR Advocate on payment of
necessary charges-Sr.13014

CRL OP.17585/2018

Date :12/07/2018

ths : 19.07.2018