

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18121 of 2018

SIVAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
NAGAPATTINAM DISTRICT
CR.NO.152 OF 2018.

For Petitioner : M/S.J.RAMKUMAR Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.152 of 2018 registered by the respondent for the alleged offence punishable under Sections 336, 120(b) of IPC and Section 3(1) of TNPPDL Act.

2. The case of the prosecution as per the de-facto complainant one Senthilkumar, Conductor of the Government Bus is that on 26.05.2018, some unknown persons had hurled stones on the front windshield of the bus and caused damage to the windshield of the bus worth Rs.6,000/-.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would submit that without prejudice to his contentions, to show his *bona fides*, the petitioner is prepared to deposit the value of the damaged glass.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused hurled stones on the Government bus and the value of the damage has been assessed at Rs.6,000/-.

5. Taking into consideration the facts of the case and the submissions made by the counsels and that the petitioner is prepared to deposit the value of the damaged glass, I am inclined to grant

anticipatory bail to the petitioner subject to the following conditions:

6. 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, Sirkali, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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] the petitioner shall deposit a sum of Rs.6,000/- (Rupees Six Thousand only) to the credit of Crime No.152 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 petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

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

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

[f] the petitioner 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 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]**.

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

-sd/-

19/07/2018

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,
SIRKALI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
NAGAPATTINAM DISTRICT

+1 CC to M/S.J.RAMKUMAR Advocate on payment of necessary charges
SR.NO. 13389

CRL OP.18121/2018

Date :19/07/2018

RD 26/07/2018