



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1661 of 2018

SAKTHI

... PETITIONER / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.11/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.RAJESHKUMAR Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

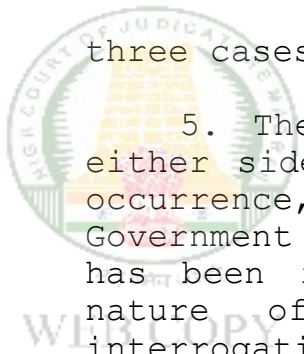
ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 5 of TNPPDL Act, in Crime No.11 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 18.01.2018, the petitioner and some unknown persons damaged the Government Transport bus bearing Registration No.TN-74-1559 at Pettai-Sutthamalli Road by pelting stones in the bus mirror and caused damage worth about Rs.3000/- with regard to the death of one Thangapandian, thereby, the driver of the TNSTC bus lodged a complaint before the respondent police. Hence, the case has been registered for the above said incident.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that at the time of the above said incident, three cases were registered; one is for disturbance committed to law and order, second one is for caused damage to the Government Bus and the third one is for caused damage to a two wheeler and an Auto. He further added that the petitioner is arrayed as accused in the above said



three cases and the investigation is in progress.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused caused damage to the Government bus mirror worth about Rs.3000/-. Accordingly, the case has been registered against the petitioner. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Cheranmahadevi, on condition that of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the learned Judicial Magistrate No.I, Tirunelveli, daily at 10.00 a.m., until further orders;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

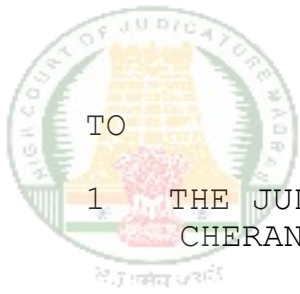
(iii) the petitioner shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-
02/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI , TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

3 THE JUDICIAL MAGISTRATE NO.1,
TIRUNELVELI

4 THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.R.RAJESHKUMAR Advocate SR.No.1928

PJL

JAM/07/02/2018/PM-PN/ SAR 1 / 3P-7C

ORDER

IN

CRL OP (MD) No.1661 of 2018

Date :02/02/2018