



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.298 of 2018
IN
CRL OP(MD) No.17181 of 2017

1 SAHAYAM SAMUVEL
2 MANICKVASAGAM

... PETITIONERS/PETITIONERS/
ACCUSED NO.1 & 4

Vs

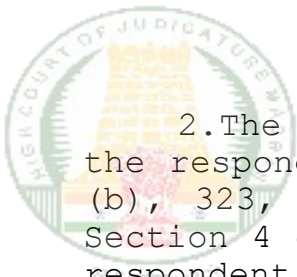
THE STATE REP.BY
THE INSPECTOR OF POLICE
PAVOORCHATHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.497/2017

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the condition of directing the petitioners to deposit a sum of Rs.10,000/- to the credit of Crime No.497/2017 on the file of the Inspector of Police, Pavoorchathiram Police Station, Tirunelveli District before the Learned Judicial Magistrate, Tenkasi, Tirunelveli District and subsequent disbursement of the said amount in favour of the de-facto complainant having been imposed in Crl.OP (MD).No.17181/2017 dated 13.12.2017.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.PALANI VELAYUTHAM, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.Side) for the Respondent the court made the following order:-

This petition has been filed to modify the condition directing the petitioners to deposit a sum of Rs.10,000/- to the credit of Crime No.497 of 2017 on the file of the Inspector of Police, Pavoorchathiram Police Station, Tirunelveli District before the learned Judicial Magistrate, Tenkasi, Tirunelveli District and the subsequent disbursement of the said amount in favour of the defacto complainant having been imposed in Crl.O.P.(MD)No.17181 of 2017, dated 13.12.2017 forthwith.



2.The petitioners/A1 and A4 apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 323, 325 and 506(ii) of IPC and Section 3 of TNPPDL Act and Section 4 of TNPWH Act, in Crime No.497 of 2017, on the file of the respondent police, seek anticipatory bail.

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3. According to the prosecution, the petitioners and the defacto complainant are neighbors. On 18.11.2017, the petitioners damaged the wall constructed by the defacto complainant and also used filthy language against the defacto complainant, thereby the defacto complainant filed a complaint before the respondent police.

4.The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. However, they are ready to deposit the damaged amount as alleged by the prosecution.

5. The learned Government Advocate (Criminal side) appearing for the respondent police submitted that the petitioners damaged the compound wall of the defacto complainant worth about Rs.10,000/-

6.Considering the facts and circumstance of the case and also considering the submissions made by the learned counsels on either side, this Court by order dated 13.12.2017 granted anticipatory bail to the petitioners with certain conditions, two of which reads as follows.

"(I) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.497 of 2017 before the Trial Court and thereafter, the learned Judicial Magistrate, Tenkasi, Tirunelveli District shall disburse the amount in favour of the defacto complainant immediately.

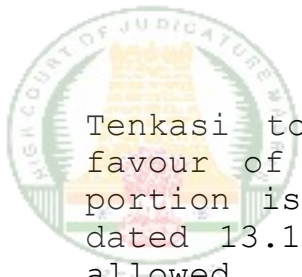
(ii) the petitioners shall appear before the concerned Judicial Magistrate daily at 10.30 a.m., until further orders."

9.Now the petitioners have filed this CrI.M.P.(MD)No.298 of 2018 seeking modification as stated above.

10.The learned counsel for the petitioners submitted that the petitioners are ready to deposit the sum of Rs.10,000/- imposed by this Court, while granting anticipatory bail to them. Further, the learned counsel for the petitioners submitted that the innocence of the petitioners should be proved only at the time of trial. Therefore, before completion of the trial, the disbursement of the amount deposited by the petitioners to the defacto complainant is unwarrant.

11.Heard the learned Government Advocate appearing for the respondent police.

12. This Court finds much force on the submissions of the learned counsel for the petitioners. Further, this Court deems fit to delete the portion directing the learned Judicial Magistrate,



Tenkasi to disburse the amount deposited by the petitioners in favour of the defacto complainant immediately. Hence, the said portion is hereby deleted and the remaining portion of the order dated 13.12.2017 stands unaltered. Accordingly, this petition is allowed.

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sd/-
17/01/2018

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

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TO

- 1 THE JUDICIAL MAGISTRATE,
TENKASI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PAVOORCHATIRAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.PALANI VELAYUTHAM Advocate SR.No.818

GJM/RR/SAR-I-22.1.18-2P-6C

ORDER
IN
CRL MP(MD) No.298 of 2018
IN
CRL OP(MD) No.17181 of 2017
Date :17/01/2018 (1/2)