



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

Thursday, the First day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1567 of 2018

N.SIVA @ THIRUMALAIKUMAR,

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.RAJESH KUMAR Advocate

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

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

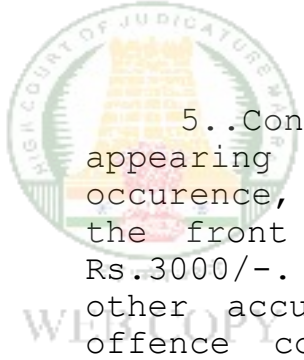
ORDER : The Court Made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 5 of TNPPDL Act, in Crime of 11 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 18.01.2018, some unknown persons damaged the Government Transport Vehicle by way of throwing stones in the bus bearing Registration No.TN-74-1559 at Pettai-Sutthamali Road, worth about Rs.3000/-.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, he has not committed any offence as alleged, he is in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner. However, he further submitted that the petitioner is willing to deposit the cost towards the damage.

4.The learned Government Advocate(Criminal Side), appearing for the respondent police submitted that the petitioner herein is arrayed as A3 in this case. The petitioner herein along with other accused persons damaged the front glass of the Government Bus, worth about Rs.3,000/-. According to him, investigation is still pending.



5..Considering the submissions made by the learned counsel appearing for either side, it is alleged that during the time of occurrence, the petitioner and other accused in this case have broken the front glass of the bus and caused damage to the tune of Rs.3000/-. Now the property, which was damaged by the petitioner and other accused persons was recovered. Considering the nature of offence committed by the petitioner and also considering the submission made by the learned counsel appearing for the petitioner that the petitioner is willing to deposit a sum of Rs.3000/- towards damage of cost, custodial interrogation of the petitioner is not necessary for completing investigation. Accordingly, he 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 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) The petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.11 of 2018 before the Judicial Magistrate, Cheranmahadevi, Tirunelveli District.

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m until further orders.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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 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].

sd/-
01/02/2018

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



1. THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

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

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

+1. CC to M/S.R.RAJESH KUMAR Advocate SR.No.1941

ORDER

IN

CRL OP (MD) No.1567 of 2018

Date :01/02/2018

SMA/PM-PN/SAR-4/07.02.2018:3P/6c