



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

Monday, the Twelfth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2137 of 2018

1 L. VELLAPPAN

2 V. MAYANDI

... PETITIONERS/UNKNOWN ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT,
IN CRIME NO. 13/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.MICHEAL HELDON 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 petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147,148,294(b),506(ii) of IPC and Section 3(1) of TN Public Property (Prevention of Damage and Loss), Act, 1992, in Crime No.13 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to the death of one Thangapandian, the petitioners along with other accused made road rogue and committed mis-chief to the properties belong to the public. Hence, the *defacto* complainant has lodged a complaint as against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons and did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case. Further, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition as not pressed in respect of first petitioner concerned.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal Side) would



submit that the damage caused is worth about Rs.1,00,000/- and the investigation is not yet completed.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that due to the death of one Thanagapandian, the petitioners along with other accused made road rogue and committed mischief to the properties belong to the public. Hence, considering the nature of offence committed by the second petitioner, custodial interrogation may not be necessary for completing the investigation. Therefore, this Court inclined to grant anticipatory bail to the second petitioner.

6. Accordingly, the second 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, Thirunelveli District, on condition that the second 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 second petitioner / V.Mayandi shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.13 of 2018 before the learned Judicial Magistrate, Cheranmahadevi, Thirunelveli District, without prejudice his defence before the Trial Court.

(ii) the second petitioner shall report before the respondent police, daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation

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

(iv) the second 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]**.

*In view of the endorsement made by the learned counsel appearing for the petitioners, **this Criminal Petition is dismissed as not pressed as against the first petitioner / L.Vellappan.***

sd/-
12/02/2018

/ 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 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.S.MICHEAL HELDON KUMAR Advocate SR.No.2332

ORDER
IN
CRL OP(MD) No.2137 of 2018
Date :12/02/2018

SMA/CSL/SAR-4/13.02.2018:3P/6C