



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2239 of 2018

1 S. MARIAPPAN

2 S. SIVARAMAN

... PETITIONERS/ACCUSED Nos.1 & 2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI.
IN CRIME NO.81/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.J.ASHOK 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 / A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294 (b), 506(ii) IPC & Section 3 of TNPPDL Act in Crime No.81 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to non-telecasting of Athi TV in A.M.N. Cable TV Network, the petitioners threw stones at the office of the de facto complainant and thereby damaged glass worth about Rs.6,000/-. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the value of the damaged properties were estimated to the tune of Rs.6,000/-. According to him investigation is still pending.



5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners abused the de facto complainant by using filthy language. Further more, they committed the offence of damaging the properties belonging to the de facto complainant. The value of the damage was estimated to the tune of Rs.6.000/-. Considering the nature of offence committed by the petitioners, custodial interrogation may not be necessary for completing the investigation.

7.Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain stringent conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thoothukudi, on condition that each of the petitioners 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 petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.

(ii) the petitioners are directed to deposit a sum of Rs.6,000/- to the credit of Crime No.81 of 2018 before the learned Judicial Magistrate No.I, Thoothukudi.

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

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

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
13/02/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI.

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

+1. CC to M/S.J.ASHOK Advocate SR.No.2385

ORDER

IN

CRL OP(MD) No.2239 of 2018

Date :13/02/2018

SMA/RR-CSL/SAR-2/19.02.2018:3P/6c