



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2372 of 2018

MAHESH,

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
ALWARTHIRUNAGARI POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.192 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.PERUMALPRABHU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 04.02.2018 for the alleged offences punishable under Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.192 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have been damaged 71 banana trees worth about Rs.25,000/-, which was cultivated in the defacto complainant's agricultural field. Hence, the case has been registered against the petitioner for the above said crime.

3. The learned counsel representing the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that as per the FIR, one, Manmathan is arrayed as sole accused in this case. According to the prosecution, the investigation is in progress.



5. The submissions made by the learned counsels appearing for either side are considered. As per the averments made in the FIR, one, Manmathan has damaged 71 banana tress, for which the case has been registered. But, instead of the said Manmathan, this petitioner was arrested by the respondent police on 04.02.2018. Hence, considering the above facts and circumstances, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(i) 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 learned Judicial Magistrate, Srivaikundam;

(ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., for a period of three weeks;

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

(iv) the petitioner shall not commit any offence while on bail;

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

(vi) on breach of any of the aforesaid conditions, the 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/-
15/02/2018

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



pjl
TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIAKUNDAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE,
ALWARTHIRUNAGARI POLICE STATION,
TUTICORIN DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT JAIL, PERURANI

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

+1. CC to M/S.B.PERUMALPRABHU Advocate SR.No.2527

ORDER

IN

CRL OP (MD) No.2372 of 2018

Date :15/02/2018

SMA/PM-PN/SAR-1/15.02.2018:3P/7c