



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2944 of 2018

LINGAPERUMAL,

... PETITIONER/ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MOOLA KARUPPA PATTI POLICE
TIRUNELVELI DISTRICT.
(CRIME NO.118 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.SARAVANAKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

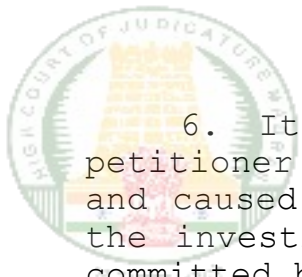
The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under Section 3 of TNPPDL Act, in Crime No.118 of 2016, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner herein and other accused are said to have damaged the Van belonging to the defacto complainant, by throwing stone. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered.



6. It is alleged that during the time of occurrence, the petitioner herein and other accused thrown the stone on the Van and caused damage to the tune of Rs.3,000/-. As of now, portion of the investigation is completed. Considering the gravity of offence committed by the petitioner and that the case has been registered in the year 2016, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the 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, Nanguneri, Thirunelveli District, 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.1,000/- (Rupees One Thousand only) to the credit of Crime No.118 of 2016, on the file of the learned Judicial Magistrate, Nanguneri, Thirunelveli District, without prejudice his defence before the Trial Court.

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

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

(iv) 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/-
23/02/2018

/ TRUE COPY /

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



TO
1 THE JUDICIAL MAGISTRATE
NANGUNERI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
MOOLA KARUPPA PATTI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.SARAVANAKUMAR Advocate SR.No.2984

ORDER
IN
CRL OP (MD) No.2944 of 2018
Date :23/02/2018

TRP
SMA/PM/PN/SAR-1-1.3.18-3P-6C