



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

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3564 of 2018

1 NEELAKANDAN
2 ISMAIL
3 VICKY

... PETITIONERS/ACCUSED 1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.19/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.K.M.KARUNAKARAN, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 448 and 506(i) of IPC and Section 4 of Tamil Nadu Women Harassment Act r/w. Section 3(1) of TNPPDL Act, in Crime No.19 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to the previous enmity, the petitioners herein are said to have trespassed into the property belonging to the defacto complainant and damaged the iron gate worth about Rs.40,000/-. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners. He would further submit that the petitioners are ready to deposit a sum of Rs.40,000/-.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation of the case is under progress.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of



occurrence, on 25.02.2018, due to the dispute between the petitioners and the defacto complainant, the petitioners have abused the defacto complainant in filthy language and also damaged the iron gate worth about Rs.40,000/- belongs to the defacto complainant. Now, the learned counsel appearing for the petitioners voluntarily made submission before this Court that the petitioners are willing to deposit a sum of Rs.40,000/-, thereby, the custodial interrogation of the petitioners may not be necessary for completing the investigation. However, considering the facts and circumstances of the case, this Court has imposed some stringent condition for granting anticipatory bail to the petitioners.

6. Accordingly, the petitioners 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 District-Munsif-Cum Judicial Magistrate, Pattukkottai, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of Crime No.19 of 2018, on the file of the learned District-Munsif-Cum Judicial Magistrate, Pattukkottai, Thanjavur District, without prejudice their defence before the Trial Court.

(ii) the petitioners 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 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/-

07/03/2018

/ TRUE COPY /

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



1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION, THANJAVUR DISTRICT.

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

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.3636

ORDER
IN
CRL OP(MD) No.3564 of 2018
Date :07/03/2018

PK/RR-CSL/SAR-2/12.03.2018 : 3P/6C