



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3824 of 2018

THALAPATHY @ MANIKKAVASAGAM

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VEERAKERALAM PUDUR POLICE STATION,
TIRUNELVELI DISTRICT,
IN CR.NO. 147/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SELVA 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 :-

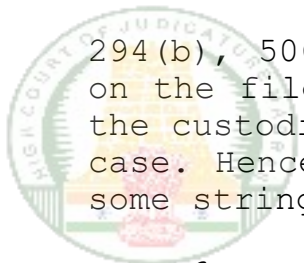
The petitioner, who is arrayed as accused no.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 506(ii) of IPC and Section 108 of IPC r/w. Section 3 of TNPPDL Act in Crime No.147 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein and other accused are said to have abused the defacto complainant in filthy language and also caused damage to the electrical goods belonging to the defacto complainant's Company. 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 after completing the investigation charge sheet has been filed in this Crime number for the offence under Sections 147, 148, 294 (b), 506(i) of IPC and Section 3 of TNPPDL Act r/w. 109 of IPC and the same was taken on file in PRC.No.5 of 2018, on the file of the learned Judicial Magistrate, Alangulam. .

5.The submissions made by the learned counsel appearing on either side are considered. As per the submission made by the learned Government Advocate (Crl. Side) the said case was taken on file in PRC.No.5 of 2018, for the offences under Sections 147, 148,



294(b), 506(i) of IPC and Section 3 of TNPPDL Act r/w. 109 of IPC, on the file of the learned Judicial Magistrate, Alangulam, thereby, the custodial interrogation of the petitioner does not arise in this case. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions 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, Alangulam, 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 appear before the concerned Magistrate daily 10.00 a.m., for a period of two weeks.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) 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 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/-

12/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ALANGULAM, THIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
VEERAKERALAM PUDUR POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SELVA KUMAR Advocate SR.No.3898

ORDER IN

CRL OP(MD) No.3824 of 2018

Date :12/03/2018