



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.563 of 2018

S.THAVAMANI

... PETITIONER/A-2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
THIRUPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT,
(CRIME NO. 06/2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.J.VIJAYARAJA Advocate

For Respondent : M/S.S.BHARATHI Government Advocate (Cr1. Side)

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

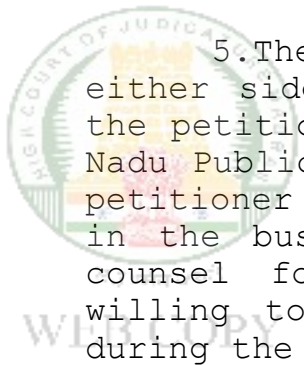
ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No. 6 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.01.2018 at about 08.15 p.m, when the defacto complainant has driven his Government Bus bearing Registration No. TN 58 N1267 and TN 67 N 0792, the petitioner herein along with another accused have thrown the stones in the bus. Hence, the present complaint is registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged in the prosecution and he is innocent. He further submitted that the petitioner is willing to deposit the value of the property which was damaged at the time of occurrence and pleads for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner and other accused had damaged the glass article worth about RS.10,000/-. She further submitted that the investigation is still pending.



5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the alleged offences under Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The petitioner herein along with another accused have thrown the stones in the bus and committed this offence. As of now, the learned counsel for the petitioner represented that the petitioner is willing to deposit the value of the property which was damaged during the time of alleged occurrence. Considering the nature of the alleged offence, custodial interrogation of the petitioner is not necessary for completing the investigation.

6.Taking note of all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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 Court, Manamadurai, 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.5,000/- (Rupees Five Thousand only) to the credit of Crime No.6 of 2018, before the Judicial Magistrate Court, Manamadurai.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

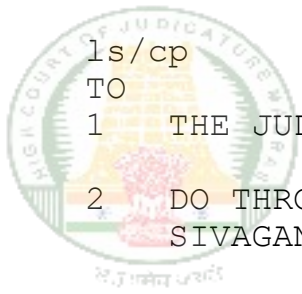
(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(v) 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 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/-
11/01/2018

/ TRUE COPY /



ls/cp

TO

1 THE JUDICIAL MAGISTRATE, MANAMADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
THIRUPUVANAM POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.J.VIJAYARAJA Advocate SR.No.632

GJM/CM/VR/SAR-I-18.1.18-3P-6C

ORDER

IN

CRL OP (MD) No.563 of 2018

Date :11/01/2018