



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

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21570 of 2018

VENKATACHALAM

... PETITIONER / ACCUSED RANK NOT KNOWN
Vs

THE STATE REPRESENTED BY.
THE SUB INSPECTOR OF POLICE,
TIRUNELVELI JUNCTION POLICE STATION,
TIRUNELVELI CITY.
(CRIME.NO.191/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.AJMEER KAJA Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii), 295 IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act 1992, in Crime No.191 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 02.07.2018, some unknown persons threw stones over the Ambedkar Statue and damaged it and abused the people with filthy language and threatened them with dire consequences. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case.

4.Heard the learned Government Advocate (Criminal Side).

5.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.IV, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten



thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate concerned and on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, 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]**. and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-IV, TIRUNELVELI.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE SUB INSPECTOR OF POLICE
TIRUNELVELI JUNCTION POLICE STATION, TIRUNELVELI CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.AJMEER KAJA Advocate SR.No.22849
PS/JC/SAR-3/11/12/2018/2P/6C

ORDER
IN
CRL OP(MD) No.21570 of 2018
Date : 06/12/2018