



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21480 of 2018

S.THINAKARAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
IN CRIME NO.553 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.H.VELAVADHAS Advocate

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

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 19.11.2018 for the offence punishable under Sections 448, 153 a, 294 (b), 48 and 506(ii) IPC and Section 3(1) of TNPPDL Act, in Crime No.553 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and two others are said to have damaged the key board, table, amplifier, trump and window door of the prayer hall of the defacto complainant.

3.The learned counsel for the petitioner submits that the petitioner is residing few meters away from the defacto complainant. The defacto complainant converted his residence into a preaching hall, wherein he starts his prayer at 04.00 a.m., by using amplifier, trump and causing disturbance to the villagers. The villagers have also given complaints with regard to the same during the fifth month of 2018. But no steps have been taken by the authorities to curtail the same. Hence, the petitioner sought information under Right to Information Act from the authorities concerned, who in turn have categorically stated that no permission has been granted to the petitioner to conduct such prayer hall. Because of the the offensive action of the defacto complainant, the



petitioner along with the two villagers are alleged to have caused damages to the prayer hall. He further submitted that the petitioner had surrendered before the learned Judicial Magistrate on 12.11.2018 and he is still in custody.

4. The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that no one was sustained injury in this case.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Eraniel and on further condition that:

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

[b] the petitioner shall not abscond either during investigation or trial.

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

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

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

sd/-

05/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3. THE OFFICER INCHARGE, DISTRICT JAIL,
NAGERCOIL, KANYAKUMARI DISTRICT.

4. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to Mr.H.VELAVADHAS Advocate SR.No.22687

ORDER

IN

CRL OP (MD) No.21480 of 2018

Date :05/12/2018

MS/PN/SAR-3/05.12.2018/3P.7C