



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7694 of 2018

SAJIN,

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.428/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.BALAMURUGAN Advocate

For Respondent : MR.K.SUYMABULINGA BHARATHI,
Government Advocate(Crl.side)

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

ORDER : The Court Made the following order :-

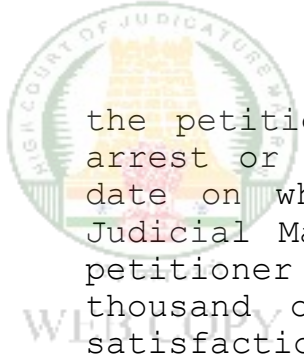
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act (TNPPDL Act) in Crime No.428 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that when the de-facto complainant was driving the TNSTC bus bearing No.TN74N-2305, the petitioner approached the bus from the opposite direction and pelted stones towards the bus and broke the front wind shield glasses.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate [Criminal side] appearing for the respondent Police on instructions would submit that the occurrence took place on 15.12.2017 and the petitioner has caused loss to the transport Corporation.

5.Considering the facts and circumstances of the case, I am
inclined to grant anticipatory bail to the petitioner. Accordingly,



the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court No.1, Kuzhuthurai, 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

[c]the petitioner shall not abscond 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)**.

sd/-

09/05/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHUTHURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE,
ARUMANAI POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No.8250

ORDER IN
CRL OP(MD) No.7694 of 2018
Date :09/05/2018