



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

Wednesday, the Twentieth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.9938 of 2018

PRASANNA,

... PETITIONERS / ACCUSED NO.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.
(CR.NO.167/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.PRABHU RAJADURAI FOR
Mr.S.M.A.JINNAH Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

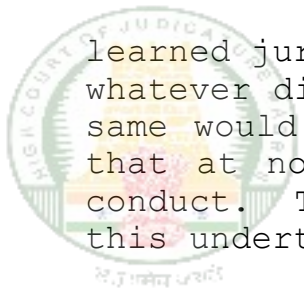
ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent Police for the offences under Sections 447 of I.P.C r/w. 3(1) of Tamil Nadu Public Property (Prevent of Damage & Loss), Act, 1992 in Crime No.167 of 2017. The respondent Police filed the final report and the same was taken on file as P.R.C.No.25 of 2018 on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District.

2.Heard the learned Government Advocate (Crl. side) appearing for the respondent and Mr.Prabhu Rajadurai, learned counsel appearing for the petitioner.

3.The petitioner was earlier granted anticipatory bail by the Sessions Court. The same was cancelled by this Court at the instance of the *de facto* complainant by order dated 10.04.2018 in Crime No.652 of 2018. It appears that the said order was challenged before the Hon'ble Supreme Court. But the SLP(Crl.) No.4206 of 2018 was dismissed as withdrawn on 21.05.2008. Now the petitioner has renewed his application for grant of anticipatory bail.

4.The learned counsel appearing for the petitioner would submit that the Police have since filed their Final report in this case, this could be taken as a material change in circumstances. He also submitted that the petitioner would file an affidavit before the



learned jurisdictional Magistrate, giving a solemn undertaking that whatever dispute that he may have with the *de facto* complainant, the same would be resolved only through the process of Civil Court and that at no point of time, in future, he would indulge in similar conduct. The learned counsel appearing for the petitioner has given this undertaking on instructions from the petitioner.

5. Recording this undertaking, 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 before the learned Judicial Magistrate, Pattukottai, Thanjavur District and 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 Magistrate concerned. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
20/06/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
PATTUKOTTAI, THANJAVUR DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
SETHUBAVACHATHIRAM POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.M.A.JINNAH Advocate SR.No.10841

GJM/PN/GSR/22.6.18-2P-6C

ORDER
IN
CRL OP(MD) No.9938 of 2018
Date :20/06/2018