



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

Thursday, the Thirteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22020 of 2018

1.AJITH

2 RAMAR

... PETITIONERS / ACCUSED NOS. A2 & A3

Vs

STATE THROUGH

THE SUB INSPECTOR OF POLICE

KADAMALAIKUNDU POLICE STATION,

THENI DISTRICT.

(IN CRIME NO. 564 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioners : MR.D.MALAICHAMY Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners apprehends arrest by the respondent for the offences punishable under Sections 147, 294(b), 323, and 506(i) of IPC and 3(1) of TNPPDL Act in Cr.No.564 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with others damaged the wind shield of the bus.

3. The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offence . However without prejudice to their contention they are willing to deposit a sum of Rs.1000/- to the credit in Crime no. 564 of 2018 and prayed for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that petitioners damaged the wind shield of the bus and the damage assessed is about Rs.1,000/-

5. Taking into consideration the facts of the case and the submissions by learned counsels ,this Court inclined to grant



anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti on condition that the petitioners 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, on further condition that:

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

[b] the petitioners shall deposit a sum of Rs.1,000/- (Rupees Five thousand only) to the credit of Cr.No.564 of 2018 before the Judicial Magistrate, Aundipatti, without prejudice to his defence before the trial Court.

[c] the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.

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

sd/-
13/12/2018

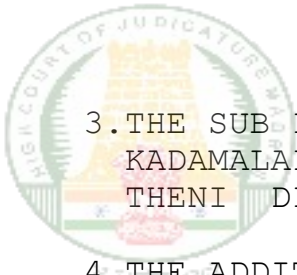
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE,
ANDIPATTI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3. THE SUB INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

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

+1. CC to Mr.D.MALAICHAMY Advocate SR.No.23337

ORDER

IN

CRL OP (MD) No.22020 of 2018

Date :13/12/2018

AE/JC/SAR3/17.12.2018/3P/6C