



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

Wednesday, the Fifth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL.O.P.(MD)Nos.21344 & 21346 of 2018

1 S.MANIKANDAN

2 PETCHIMUTHU

... PETITIONERS / ACCUSED NO.1 & 2
IN CRL OP(MD) No.21344 of 2018

1 S.MANIKANDAN

2 CLINTON

3 S.RAMAKRISHNAN

4 PETCHIMUTHU

... PETITIONERS/ACCUSED NO.1 TO 4
IN CRL OP(MD) No.21346 of 2018

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

MOOLAKKARAIPATTI POLICE STATION,

TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

CRIME NO. 167 OF 2018

CRIME NO. 168 OF 2018

... IN CRL OP(MD) No.21344 of 2018

... IN CRL OP(MD) No.21346 of 2018

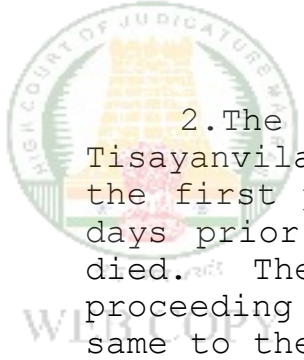
For Petitioner : MR.S.SIVAKUMAR, Advocate
IN BOTH THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners in both petitions apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 379, 506(i) of IPC and Section 3 of TNPPDL Act, 1992, in both crime numbers 167 of 2018 and 168 of 2018 seeks anticipatory bail.



2.The petitioners were travelling in a Government Bus from Tisayanvilai to Tirunelveli to reach the home on coming to know that the first petitioner's sister and her baby committed suicide. Few days prior to that day the petitioner's sister's husband was also died. The petitioners were in a agitated mood and the bus was proceeding in a slow manner. When the petitioner questioned the same to the conductor and driver and asked them to proceed in a fast motion, there was a wordy quarrel arose between them. Being in agitated mood the petitioner had damaged the front side glass of the bus. Hence the Crime No.167 of 2018 was registered. At that time, another bus which followed the earlier bus had stopped to enquire about the incident. The petitioner had caused damages that bus also. Hence, the Crime No.168 of 2018 has been registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences intentionally.

4.The learned Government Advocate (Crl. Side) submitted that the petitioners caused damages to the tune of Rs.6,000/- to each bus.

5.Considering the same, this Court is inclined to grant anticipatory bail to the petitioners in both petitions.

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, Nanguneri, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties in respect of each petition, 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.6,000 (Rupees Ten thousand only) to the credit of each crime number before the concerned Judicial Magistrate.

[c] the petitioners shall report before the respondent police 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/-
05/12/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
MOOLAKKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to MR.S.SIVAKUMAR Advocate SR.No.22837 & 22838

ORDER
IN
CRL.O.P. (MD) Nos.21344 &
21346 of 2018
Date :05/12/2018

JM/JC/SAR 3/12.12.2018/3P/7C