



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

Monday, the Twenty Seventh day of August Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP (MD) No.14469 and 14472 of 2018

VAIKUNDAM

... PETITIONER / ACCUSED NO.1
IN BOTH PETITIONS

Vs

1 THE INSPECTOR OF POLICE
SRIVAIGUNDAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME.NO.132/2018)

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) NO.14469 OF 2018

2 THE INSPECTOR OF POLICE
SRIVAIGUNDAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME.NO.131/2018)

... RESPONDENT / COMPLAINANT
IN CRL OP (MD) NO.14472 OF 2018

For Petitioner : Mr.N.MOHIDEEN BASHA Advocate
IN BOTH PETITIONS

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU Govt. Advocate
(Crl. Side) IN BOTH PETITIONS

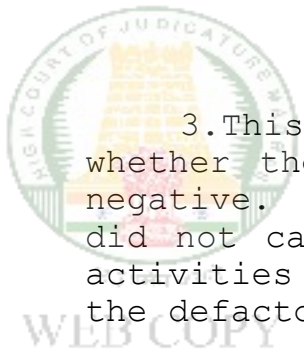
For Intervenor : Mr.K.SIVABALAN, Advocate
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner is shown as A1 in both the cases. This Court had denied anticipatory bail to the petitioner on the earlier occasions, because it was reported by the learned counsel for the defacto complainant that country bomb was thrown by the petitioner. The petitioner has renewed his application.

2.This Court heard not only the learned counsel for the defacto complainant, but also the learned counsel for one of the injured person.



3.This Court posed a question to the said intervener, as to whether the petitioner caused any injury. The answer was in the negative. It is admitted by both sides that the petitioner herein did not cause any injury. But it appears that on account of the activities of the petitioner, damage was caused to the vehicle of the defacto complainant.

4.The counsel for the intervener was not sure about the value of the damage. The police who is present before this Court stated that the damage could be about Rs.20,000/-.

5.The learned counsel for the petitioner undertakes that he would pay a sum of Rs.20,000/-(Rupees Twenty thousand only) by way of a Demand Draft drawn in favour of the defacto complainant / Sivaraman and handover the same to the Sub Inspector of Police, from whom the defacto complainant shall collect the Demand Draft. The said amount is a non refundable payment. Even if the petitioner is acquitted in this case, the amount need not be returned by the defacto complainant.

6.The learned counsel for the petitioner submitted that the defacto complainant was originally implicated in a case under Section 302 of IPC. The counsel for the defacto complainant states that he was acquitted in the said case. But another murder case against the defacto complainant's brother is pending.

7.Taking note of the background of the defacto complainant's family and the fact that no injury was caused by the petitioner herein and that the so called country bomb is not so lethal, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Srivaigundam, 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 and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-

27/08/2018

/ TRUE COPY /



Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
SRIVAIGUNDAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
SRIVAIGUNDAM POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.16161
PS/JC/SAR-1:03/09/2018:3P/6C

ORDER

IN

CRL OP(MD) No.14469 and 14472 of 2018

Date :27/08/2018