



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

Friday, the Twenty Third day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20785 of 2018

VEERAPATHIRAN,

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.285/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.PRAHALD RAVI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294 (b), 324, 448 and 506(ii) of IPC r/w Section 3(1) of Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992, in Cr.No.285 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioners trespassed into the defacto complainant's house, assaulted the defacto complainant's son, daughter-in-law and wife with deadly weapons and also caused damages to the tune of Rs.10,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has been already granted with anticipatory bail in Crl.O.P.(MD).No.15882 of 2018, dated 20.09.2018. Due to the petitioner's ill health and jaundice the petitioner has taking treatment. Hence, he was unable to comply with the condition imposed in the above said criminal original petition. Therefore, he moved Crl.M.P.(MD).No.8361 of 2018 in Crl.O.P.(MD).No.15882 of 2018 seeking extension of time and the same was also granted by order dated 23.10.2018 to comply with the condition on payment of cost of



Rs.1,000/- to the Chief Justice Relief Fund. But, since the petitioner's sister passed away on 02.11.2018 suddenly, again he was unable to comply with the condition as per the order dated 23.10.2018. Hence, now the petitioner has come forward with this present petition.

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4. Taking into consideration the facts of the case and the fact that the petitioner was already granted with anticipatory bail and due to his ill-health and sudden provocative circumstances in his family, he was unable to comply with the conditions imposed on 20.09.2018 and again on 23.10.2018, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, Sivagangai District, 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 said Magistrate, on further condition that:

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

[b] the petitioner shall deposit a sum of Rs.1,000/- (Rupees one thousand only) towards the Chief Justice Relief Fund, High Court, Chennai.

[c] the petitioner shall report before the respondent police as and when required for interrogation

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

[e] the petitioner 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 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]**.

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

sd/-
23/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
 4. THE SECTION OFFICER,
ACCOUNTS SECTION,
(CHIEF JUSTICE RELIEF FUND),
HIGH COURT, CHENNAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.B.PRAHALD RAVI Advocate SR.No.22192

ORDER
IN
CRL OP (MD) No.20785 of 2018
Date : 23/11/2018

TM
AE/PN/SAR1/28.11.2018/3P/7C