



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.22406 of 2018

1 SELVAKUMAR

2 SAMRAJ

... PETITIONERS / ACCUSED  
No.1 and 2

Vs

THE STATE REP.BY  
THE SUB INSPECTOR OF POLICE  
SANKARANKOVIL TALUK POLICE STATION,  
TIRUNELVELI DISTRICT.  
Crime No.240 of 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.M.RAMU Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI  
Govt. Advocate ( Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

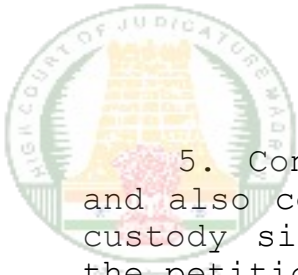
**ORDER :** The Court Made the following order :-

The petitioners, who were arrested by the respondent police on 08.12.2018, for the offences punishable under Sections 294(b), 506 (ii) of IPC r/w.3 of TNPPDL Act, in Crime No.240 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner trespassed into the lands of the defacto complainant and damaged the fencing stones worth about Rs.5000/- and abused him in filthy language and threatened him with dire consequences.

3. The learned counsel appearing for the petitioners submits that the petitioners have been falsely implicated in this case and he has nothing to do with the alleged offence. He further submitted that the petitioners are in incarceration since 08.12.2018.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that one previous case is pending against the petitioners.



5. Considering the above facts and circumstances of the case and also considering the fact that the petitioners are in judicial custody since 08.12.2018, this Court is inclined to grant bail to the petitioners, with certain conditions.

WEB COPY

6. Accordingly, the petitioners are ordered to be released on bail on depositing a sum of Rs.1500/- each to the credit in Crime No.240 of 2018 before the learned Judicial Magistrate, Sankarankovil at the time of furnishing sureties and only thereafter the sureties can be accepted and on further condition that

[a] the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankarankovil

[b] the petitioners shall appear before respondent police as and when required for interrogation

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

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

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR Can be registered under Section 229 A IPC.

sd/-  
19/12/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,  
SANKARANKOVIL

2. THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,  
SANKARANKOVIL TALUK, POLICE STATION,  
TIRUNELVELI DISTRICT.

4. THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. CC to Mr.M.RAMU Advocate SR.No.23672

ORDER

IN

CRL OP (MD) No.22406 of 2018

Date :19/12/2018

TK/PN.AC/SAR-2/19.12.2018/3P/7C