



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

Thursday, the Fifteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20433 of 2018

1 MUTHURAMAN
2 VENKATESAN

... PETITIONERS/ACCUSED Nos.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVEL DISTRICT.
CR.NO.330/2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.M.NALLAMUTHU, 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 petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b), 506(ii) of IPC & Section 3 of Tamilnadu Public Property (Prevention of Damages & Loss) Act, 1992 in Cr.No.330 of 2018 seek anticipatory bail.

2. The case of the prosecution is that there has been a civil dispute between the defacto complainant and one Thothathri, for which an earlier complaint was preferred by the defacto complainant to the Valliyoor Police Station. The petitioners herein have been employed by the said Thothathri who had entered into the lands of the petitioner and damaged the fencing stones thereon.

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 offences.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners caused damages to the tune of Rs.10,000/-.



5. Taking into consideration the facts of the case and considering the fact that there is civil dispute between the defacto complainant and one Thothathiri and the petitioners being only labours, 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, Nanguneri, on condition that 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 said Magistrate, on further condition that:

[a] The petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the crime number before the concerned Judicial Magistrate Court.

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

[c] the petitioners shall report before the respondent police daily at 5.00 p.m. 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/-
15/11/2018

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1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVEL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAIGSTRATE,
TIRUNELVEL DISTRICT

3 THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION, TIRUNELVEL DISTRICT

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

+1. CC to MR.M.NALLAMUTHU, Advocate SR.No.21621

ORDER
IN
CRL OP(MD) No.20433 of 2018
Date :15/11/2018

TM
PK/RR/SAR-4/19.11.2018 : 3P/6C