



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

Monday, the Nineteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20489 of 2018

MURUGAKUTTI @ MURUGAN

... PETITIONER / ACCUSED No.3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO. 318 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SUNDARAPANDIAN Advocate

For Respondent : MR.M.ASOKAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(ii) of IPC and Section 4 of THPHW Act and Section 3 of TNPPDL Act., in Crime No.318 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 09.11.2018, due to previous motive, the petitioner along with other accused, armed with aruval, in front of Petchiammal's house, abused and threatened the defacto complainant and also damaged 10 tiles of the house of the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged crime.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the petitioner has got 10 previous cases and in all the cases, the petitioner has been acquitted.



5. Considering the nature of the offence and also considering the fact that the petitioner has been acquitted in all previous cases, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, No.III, Tirunelveli 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 learned Magistrate concerned and 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 report before the respondent Police daily at 10.00 a.m, for a period of two weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner 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 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]**.

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

sd/-
19/11/2018

/ TRUE COPY /

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

TO



2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to MR.S.SUNDARAPANDIAN Advocate SR.No.21783

ORDER

IN

CRL OP (MD) No.20489 of 2018

Date :19/11/2018

AE/PN/SAR2/22.11.2018/3P/6C