



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20910 of 2018

1 M.ARUMUGAM
2 M.RATHINAMANI
3 M.NARAYANAN

... PETITIONERS / A-1 to A-3

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE
PANGUDI POLICE STATION,
TIRUNELVELI DISTRICT
IN CRIME NO.518/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.ARAVIND RAJ Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Section 451 IPC and Section 4 of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.518 of 2018, seek anticipatory bail.

2. The case of the prosecution is that on 22.10.2018, the petitioners alleged to have trespassed into the house which was allotted to the defacto complainant and caused damage to the compound wall and gate which was constructed by the defacto complainant.

3. The contention of the petitioners is that they are innocent and they had nothing to do with the alleged crime and hence, anticipatory bail may be granted to them.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is going on and the loss caused to the defacto complainant may be compensated.



5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Valliyoor, Tirunelveli District and on their executing 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 Magistrate concerned and on further condition that

[a] each of the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Cr.No.518 of 2018 on the file of the respondent Police.

[b] if the petitioners failed 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 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 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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/-
18/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
VALLIOOR, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
PANGUDI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to MR.R.ARAVIND RAJ Advocate SR.No.23591

ORDER
IN
CRL OP(MD) No.20910 of 2018
Date :18/12/2018

MSI/VR-MMS/SAR-I/25.12.2018-3P/6C