



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21088 of 2018

GOPI @ GOMATHI PANDIAN

... PETITIONER / 2nd ACCUSED

Vs

THE STATE
THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 337 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.VENKATESH 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 :-

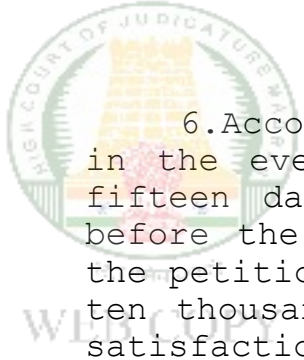
The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b) & 506(i) of IPC and 3(1) of TNPPDL Act, 1992, in Cr.No.337 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that on 05.11.2018, when the defacto complainant on his way in his auto, the A1 & A2 on behind the auto by their bike raised offensive words and knocked the auto. Since, the defacto complainant objected their activities, when the defacto complainant was taking dinner, A3 came along with other accused scolded the defacto complainant with filthy language and caused damages to the auto. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) submitted that the accused persons caused damages to the tune of Rs.2,000/-.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.



6. 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, Tenkasi, 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.2,000 (Rupees Two thousand only) to the credit of crime number before the concerned Judicial Magistrate.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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.

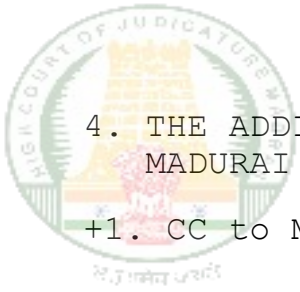
sd/-
28/11/2018

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

TO

1. THE JUDICIAL MAGISTRATE,
TENKASI
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
3. THE INSPECTOR OF POLICE
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT



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

+1. CC to MR.D.VENKATESH Advocate SR.No.22318

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ORDER

IN

CRL OP (MD) No.21088 of 2018

Date :28/11/2018

TM

MK/PN/SAR 2/04.12.2018/3P/6C