



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

Tuesday, the Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.17706 of 2018

S.KARUNAAS

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CR NO. 398 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.THALAIMUTHARASU Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 147 I.P.C and Section 3 of TNPPDL Act, in Crime No.398 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 01.09.2017, when the defacto complainant along with his party men headed by Muthaiah Thevar, Tamil Nadu Thevar Peravai State President were proceeding to the memorial of Freedom Fighter Poolithevan situated at Nerkattum Sevel on the eve of his birthday, there was a wordy quarrel arose between the petitioner's party men and the defacto complainant's men as their vehicles were caused hindrance to the defacto complainant. Subsequently both of them dispersed. Thereafter, the said vehicle was damaged to the tune of Rs.2,50,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that after the complaint, the defacto complainant himself has given a statement under Section 161 (3) Cr.P.C before the Inspector of Police, Puliangudi Police Station, Tirunelveli District that during the time of occurrence, the petitioner was left from that place and without knowing the fact, the police has been lodged a case as



against the petitioner. It was recorded by the same respondent police. Further, he would submit that due to police vendetta, the petitioner apprehends arrest from the hands of the respondent police. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that though the statement under Section 161(3) Cr.P.C was recorded from the defacto complainant, now other list of witnesses, are supporting the case of the prosecution alleging that the petitioner and others only caused damage to the defacto complainant's vehicle to the tune of Rs.2,50,000/- Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. It is seen from the statement of the defacto complainant recorded under Section 161 (3) Cr.P.C., dated 01.09.2017 in which, the defacto complainant categorically stated that without knowing the presence of the petitioner, he falsely lodged a complaint as against the petitioner and others. Further, after a period of one year, the petitioner apprehends arrest from the hands of the respondent police.

6. Taking note of all these aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Sivagiri and on his executing 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 the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
09/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 - DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.



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

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

+2. CC to M/S.G.THALAIMUTHARASU Advocate SR.No. 19189

ORDER
IN
CRL OP(MD) No.17706 of 2018
Date :09/10/2018

JM/PN/SAR 4/09.10.2018/3P/7C