



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1328 of 2019

PREM @ PREM KUMAR

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI CITY.
CRIME NO.354 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.PAKALAVAN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

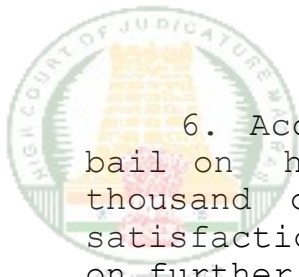
The petitioner was arrested and remanded to judicial custody since 10.01.2019 for the offences punishable under Section 3 of TNPPDL Act in Crime No.354 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the defacto complainant was driving the bus the petitioner along with others has pelted stones on the front side of the Government bus and caused damage.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner had already deposited a sum of Rs.10,000/- before the lower court and he has produced a receipt before this Court.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with others had damaged the front side glass of the Government bus.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail 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 Judicial Magistrate No.IV, Madurai and on further condition that:

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[a] Since the petitioner is already directed to appear before the Tallakulam Police Station in crime No.987 of 2018, he shall report before the concerned respondent police as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

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

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

30/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI CITY.
5. THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.PAKALAVAN Advocate SR.No.1737

ORDER

IN

CRL OP(MD) No.1328 of 2019

Date :30/01/2019

MS/VR/SAR-2/30.01.2019/2P.8C