



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

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1530 of 2019

AJIT

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THATCHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.141 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.K.R.LENIN SEKAR Advocate

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

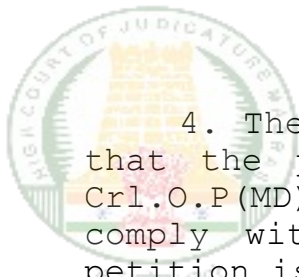
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, apprehending arrest at the hands of the respondent police for the offence punishable under Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss), 1992, in Crime No.141 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 09.07.2018 at about 06.10 p.m, the petitioner and other accused have pelted stone on the glass of the Government Bus and damaged the glass worth about Rs.10,000/-. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner was already granted anticipatory bail by this Court in Crl.O.P(MD) No.14393 of 2018 dated 21.08.2018 on condition that the petitioner shall deposit a sum of Rs.10,000/- to the credit of Crime No.141 of 2018 and to execute a bond for a sum of Rs.10,000/- with two sureties and to appear before the concerned Magistrate Court within a period of 15 days. since the petitioner belongs to poor family, he did not deposit the said amount and now he is able to deposit the said amount and hence, this petition has been filed.



4. The learned Government Advocate (Criminal Side) would submit that the petitioners were already granted anticipatory bail in CrI.O.P(MD) No.14393 of 2018 dated 21.08.2018, but, he did not comply with the condition. He would further submit that this petition is the second anticipatory bail.

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5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court 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.IV, Tirunelveli and on his 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] if the petitioner failed 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.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.141 of 2018, on the file of the learned Judicial Magistrate No.IV, Tirunelveli.

[c] The petitioner report before the respondent Police daily at 10.30 a.m. for a period of two weeks 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/-
31/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO IV,
TIRUNELVELI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1. CC to Mr.C.K.R.LENIN SEKAR Advocate SR.No.2011

ORDER

IN

CRL OP(MD) No.1530 of 2019

Date :31/01/2019

TK/PN/SAR-1/04.02.2019/3P/6C