



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1904 of 2019

MAHESH

... PETITIONER / 4th ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT
Crime No.70 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.MOHAMED HANEEF 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, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 448, 427, 294(b) and 506(ii) of IPC in Cr.No.70 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that due to previous enmity, A1 along with other accused including the petitioner damaged the bike bearing Reg.No.TN 75 AB 1713, window glasses and the air cooler of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that due to previous enmity, this false case has been foisted against the petitioners and the petitioners did not commit any offence as alleged by the prosecution. Further, he on instructions submitted that without prejudice to his right, the petitioner is ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.70 of 2019.

4.The learned Government Advocate (Crl.Side) would submit that the investigation is still pending.



5. Considering the facts and circumstances of this case, 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, Court No.I, Padmanabhapuram, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.70 of 2019;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 petitioners 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO I,
PADMANABHAPURAM.

2. THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to Mr.A.MOHAMED HANEEF Advocate SR.No.2533

ORDER

IN

CRL OP(MD) No.1904 of 2019

Date :06/02/2019

TK/PN/SAR-2/14.02.2019/P3/6C