



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1942 of 2019

1 SENTHUR PANDIAN
2 KUTHALINGAM
3 ANBALAGAN
4 PAULRAJ
5 MURUGESAN
6 MARIAPPAN
7 NADARAJAN
8 PALANISAMY
9 CHANDRAN
10 INDIRA
11 THENAMMAL
12 AMARAVATHI
13 VIJAYARANI
14 DHACHANAMOORTHY

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SURANDAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.246/2014

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.D.VENKATESH, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 353 of IPC and Section 3 of the TNPPDL Act, 1992 in Cr.No.246 of 2014 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 27.09.2014 at about 03.00 p.m., near Anna Statue, Surandai, the persons belong to AIADMK party caused hindrance to the public and forced the shop owners to shutdown their shops. When the same was objected by the respondent



police, the petitioners damaged the windows of the Government vehicle viz., TATA Sumo bearing Reg.No.TN 72 G 1071 and the damage was assessed as Rs.10,000/-, for which, the respondent police registered the case.

3.The learned counsel appearing for the petitioner would submit that the petitioners did not commit any offence as alleged by the prosecution and the allegations levelled levelled in the FIR are false and concocted one. Further, he on instructions submitted that without prejudice to his right, the petitioners are ready to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the Commissioner of Police, Office of the Commissioner of Police, Tirunelveli District for damaging the vehicle. Accordingly, the petitioners prayed for anticipatory bail. The learned counsel for the petitioners further contended that the petitioners are ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned Additional Government Advocate would submit that if the petitioners shall come forward to deposit the said amount, this Court may consider the anticipatory bail application filed by the petitioners.

5.Considering the facts and circumstances of this case, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Shengottai, on condition that the petitioners shall execute 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

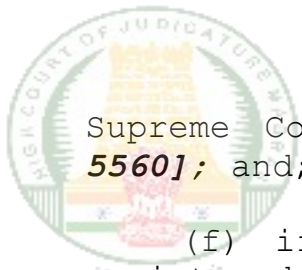
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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;

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

(g) the petitioners are directed to deposit a sum of Rs.20,000/- to the Commissioner of Police, Office of the Commissioner of Police, Tirunelveli District within a period of one week from the date of receipt of a copy of this order and the proof of challan for drawing the said amount shall be filed at the time of furnishing the sureties before the learned Judicial Magistrate, Shengottai, failing which, the anticipatory bail granted to the petitioners shall stand vacated automatically.

sd/-

07/02/2019

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

TO

1. THE JUDICIAL MAGISTRATE, SHENGOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE
SURANDAI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

*THE COMMISSIONER OF POLICE,
TIRUNELVELI DISTRICT.*

+1. CC to Mr.D.VENKATESH Advocate SR.No.2774

ORDER

IN

CRL OP(MD) No.1942 of 2019

Date :07/02/2019

MS/VR/SAR-3/13.02.2019/3P.7C