



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.2017 of 2019

1 DHARMA
2 SIMBU
3 GNANPRAKASH

... PETITIONERS / ACCUSED NO.2 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.26/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.G.VISHNURAM, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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 offence under Sections 294(b), 506 (ii) and 3 TNPPDL Act 1992 r/w Section 4 of TNPHW Act 2002 in Cr.No.26 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the communal dispute the petitioners went to the defacto complainant's house and damaged worth about Rs.5,000/- (Rupees Five Thousand only). Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the defacto complainant, without prejudice to their rights. Thereafter, the learned Magistrate disburse the amount to defacto complainant.

4.The learned Government Advocate (Crl.side), on instructions, would submit that if the petitioners are ready to deposit



substantial amount, this Court may consider the petitioners' bail application.

5. Considering the facts and circumstances of the case and also considering the petitioners are ready to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, 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, Paramakudi, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Crime No.26 of 2019 within a period of two weeks. The learned Magistrate is directed to disburse the said amount to the defacto complainant, after verifying their identification, within a period of two weeks, thereafter.

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

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

(e) the petitioners 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]**; and;

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

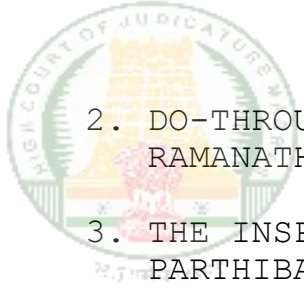
sd/-

07/02/2019

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

TO



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

3. THE INSPECTOR OF POLICE,
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1CC TO Mr.G.VISHNURAM, Advocate, Sr No.2842

ORDER

IN

CRL OP (MD) No.2017 of 2019

Date :07/02/2019

MS/PN/SAR-1/12.02.2019/3P.6C