



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2202 of 2019

A.ANBU SUNDAR

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
NAZARETH POLICE STATION,  
THOOTHUKUDI DISTRICT  
CRIME NO.189/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.D.GANESHA MOORTHY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Government Advocate (Crl.Side)

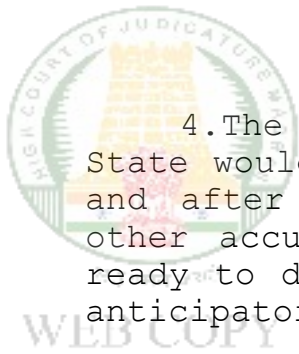
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 447 of IPC r/w Section 3 of TNPPDL Act in Crime No.189 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that due to previous enmity, the petitioner and the other accused persons have damaged the defacto complainant's fence, worth about Rs.6,000/-, for which, the respondent police registered a case.

3.The learned counsel appearing for the petitioner would submit that due to previous enmity, this false case has been foisted against the petitioner and he 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.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.189 of 2018 and agreed to out of Rs.10,000/- a sum of Rs.6,000/- may be disbursed to the defacto complainant.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that initially one Balakannan arrayed as accused and after investigation, it reveals that the petitioner and the other accused persons damaged the fence and if the petitioner is ready to deposit a sum of Rs.10,000/-, this Court may consider the anticipatory bail application filed by the petitioner.

5.Considering the facts and circumstances of the 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, Sathankulam, Thoothukudi District, 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 report before the respondent police daily at 10.30 a.m., until further orders;

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

(d)the petitioner 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 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;

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

(g) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.189 of 2018. The learned Judicial Magistrate, Sathankulam, Thoothukudi District, is directed to disburse a sum of Rs.6,000/- out of Rs.10,000/- to the defacto complainant after having verified the identity of the defacto complainant;

sd/-

12/02/2019

/ TRUE COPY /

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

TO  
<https://hcservices.ecourts.gov.in/hcservices/>  
THE JUDICIAL MAGISTRATE,  
SATHANKULAM, THOOTHUKUDI DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN.

3 THE INSPECTOR OF POLICE,  
NAZARETH POLICE STATION,  
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.A.D.GANESHA MOORTHY Advocate SR.No. 2898

ORDER

IN

CRL OP (MD) No.2202 of 2019

Date :12/02/2019

JM/PN/SAR 1/20.02.2019/3P/6C