



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2331 of 2019

TAMILMANI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THALAIMUTHUNAGAR POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.37/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.MALAIYENDRAN, 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 Section 435 and 506 (ii) of IPC and Section 4 of TNPPDL Act in Cr.No.37 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on the defacto complainant running a grocery shop and the petitioner is also running a grocery shop. Due to the business enmity the petitioner went to the defacto complainant's house and damaged his car worth about Rs.4 lakhs. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. The petitioner is arrayed as A2. The main accused A1 in this case has been arrested and remanded in judicial custody. On instructions, he would further submit that he is ready to deposit a sum of Rs.50,000/- to the credit of crime number and the said amount may be disbursed to the defacto complainant.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit there is no injured in this case and no previous



case is pending against the petitioner. He further submits that since the petitioner has come forward to made a deposit, he has no objection to entertain this petition.

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 No.II, Tuticorin, 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.50,000/- to the credit of the Crime number before the concerned Judicial Magistrate before execution of sureties. Thereafter, the learned Magistrate shall disburse the amount in favour of the defacto complainant.

(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/-

14/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.II, TUTICORIN.

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

3. THE INSPECTOR OF POLICE
THALAIMUTHUNAGAR POLICE STATION, TUTICORIN DISTRICT.

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

+1. CC to Mr.V.MALAIYENDRAN Advocate SR.No.3151

ORDER

IN

CRL OP (MD) No.2331 of 2019

Date :14/02/2019

MS/PN/SAR-3/19.02.2019/3P.6C