



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.2343 of 2019

ARULDURAI

... PETITIONER /1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.20/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.VENKATESH Advocate

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

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 29.01.2019 for the offence punishable under Sections 147 and 148 IPC r/w Section 3(1) of the TNPPDL Act, 1992 in Cr.No.20 of 2019 , on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is having 6 acres of land at opposite to M.R.J.Company at Perumalkulam and the same was fences at the expenses of Rs.10,00,000/-. On 12.01.2019, the petitioner along with other accused persons caused damages to the fences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The co-accused in this case was granted anticipatory bail by this Court on condition that the petitioner should deposit a sum of Rs.1,56,000/- into the crime number before the concerned Judicial Magistrate Court. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor would submit that the investigation is pending. He further submits that admittedly, the co-accused was granted anticipatory bail by this Court by order



dated 13.02.2019 in CrI.O.P.(MD).No.1551 of 2019 and accordingly, order may be passed in this petition.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused was granted anticipatory bail by this Court by order dated 13.02.2019 in CrI.O.P.(MD).No1551 of 2019 on condition that the petitioners should deposit a sum of Rs.1,56,000/- in to the crime number before the concerned Judicial Magistrate Court, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Nanguneri, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned 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 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 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;

sd/-
14/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

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

+1. CC to MR.D.VENKATESH Advocate SR.No.3074

ORDER

IN

CRL OP (MD) No.2343 of 2019

Date :14/02/2019

AE/VR/SAR-II/14.02.2019/3P/7C