



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.252 of 2019

1 SAMUTHIRAKANI

2 THIRUNEELA PANDIAN

... PETITIONERS/ ACCUSED

RANK NOT KNOWN

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
SANKARANKOVIL TALUK POLICE STATION,
TIRUNELVELI DISTRICT
(CRNO.NOT KNOWN OF 2019)

... RESPONDENT / COMPLAINANT

THANGADURAI

... PETITIONER/INTERVENER
IN CRL MP (MD) No. 174 of 2019
IN CRL OP (MD) No. 252 of 2019

For Petitioners : MR.A.UTHAYAKUMAR Advocate

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

For Intervener : MR.M.SATHIAMOORTHY, Advocate
IN CRL MP (MD) No. 174 of 2019
IN CRL OP (MD) No. 252 of 2019

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 420, 506(ii) IPC and 3 TNPPDL Act in Cr.No.Not known of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners and the defacto complainant are cable TV operators. Due to some enmity between them, the petitioners damaged the defacto complainant's cable network, for which, the respondent police registered a case.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent person. He would further



submit that the cable network of the defacto complainant was damaged, due to natural calamity. However, on instruction, he would further submit that the petitioners are ready to deposit any amount to the credit of crime number.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the petitioners damaged the cable network worth about a sum of Rs.10,000/-. He would further submit that investigation is pending.

5.The learned counsel appearing for the intervenor would submit that if the petitioners are ready to deposit a sum of Rs.5,000/-, the defacto complainant has no objection in granting anticipatory bail to the petitioners.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the petitioners are directed to deposit jointly, a sum of Rs.5,000/- to the credit of Crime No.17 of 2019 before the learned Judicial Magistrate, Sankarankovil, Tirunelveli District. The learned Magistrate shall disburse the same to the defacto complainant.

7.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, Sankarankovil, Tirunelveli District 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 are directed to deposit jointly, a sum of Rs.5,000/- to the credit of Crime No.17 of 2019 before the learned Judicial Magistrate, Sankarankovil, Tirunelveli District. Thereafter, the learned Magistrate disburse the said amount to the defacto complainant, within a period of two weeks;

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

(c)the petitioners shall report before the respondent police as and when required;

(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 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;

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

sd/-
07/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
SANKARAN KOVIL, TIRUNELVELI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
 - 3 THE INSPECTOR OF POLICE
SANKARANKOVIL TALUK POLICE STATION,
TIRUNELVELI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to MR.A.UTHAYAKUMAR Advocate SR.No.2596

ORDER
IN
CRL OP(MD) No.252 of 2019
Date :07/02/2019

MSI/VR/SAR-III/15.02.2019-3P/6C