



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2624 of 2019

MANIMARAN

... PETITIONER / ACCUSED NO.7

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.18/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.MA.KARUNANITHI Advocate

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

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

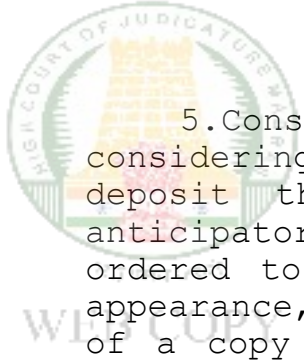
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 324, 506(ii), 307 IPC & 3(1) of TNPP Act, in Cr.No.18 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that due to some wordy quarrel, the petitioner and other accused damaged the two wheeler, belonging to the defacto complainant, worth about Rs.15,000/- and also attacked the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. However, the learned counsel, on instructions, would submit that the petitioner is ready and willing to deposit a sum of Rs.15,000/- to the credit of crime number, without prejudice to his defence and the learned Magistrate may be directed to disburse the said amount to the defacto complainant.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.



5. Considering the facts and circumstances of the case and considering the fact that the petitioner gave an undertaking to deposit the damage amount, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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, Papanasam, Thanjavur 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 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.15,000/- to the credit of Cr.No. 18 of 2019 before the learned Judicial Magistrate, Papanasam, Thanjavur District, without prejudice to his defence, within a period of two weeks and thereafter, the learned Magistrate shall disburse the said amount to the defacto complainant, without filing any formal application;

(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 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/-
20/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.

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

1 CC to MR.M.KARUNANITHI, Advocate (SR-3413[I] dated 20/02/2019)

ORDER

IN

CRL OP(MD) No.2624 of 2019

Date : 20/02/2019

TK/PN/SAR-II/26.02.2019/3P/6C