



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.355 of 2019

1 ESAKKIMUTHU
2 JEGAN

... PETITIONERS/ ACCUSED No. 1 & 4

Vs

STATE REP. BY.
THE INSPECTOR OF POLICE
PANAKUDI POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.450/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.PON KARTHIKEYAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii) I.P.C and Section 4 of Tamil Nadu Public Property Prevention of (Damage and Loss) Act, 1992, in Crime No.450 of 2018, seek anticipatory bail.

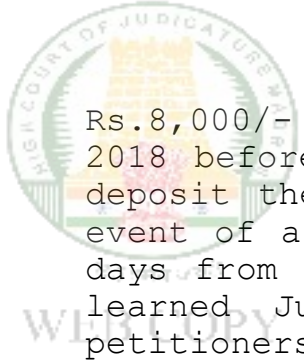
2.The case of the prosecution is that due to previous enmity the petitioners have set fire to the defacto complainant's Broiler Poultry Farm and thereby caused damage. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) for the respondent produced a report from the Fire and rescue Department, District Officer, Palayamkottai, Tirunelveli District.

5. Considering the facts and circumstances of the case and on perusal of the Fire and rescue Department, District Officer, Palayamkottai, Tirunelveli District, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are directed to deposit a sum of



Rs.8,000/- (Rupees Eight Thousand) to the credit in Crime No.450 of 2018 before the learned Judicial Magistrate, Valliyoor and on such deposit 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, Valliyoor, 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 said Magistrate, on further condition that:

[a] the petitioners shall appear before the respondent police daily at 10.30a.m, for a period of two weeks, thereafter as and when required.

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
VALLIYOOR, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
PANAKUDI POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to MR.R.PON KARTHIKEYAN Advocate SR.No.1599

ORDER IN
CRL OP(MD) No.355 of 2019
Date :28/01/2019