



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

Thursday, the Twenty First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3968 of 2019

1 VEL @ VELKANNAN
2 SIVASUBRAMANIAN
3 RAMAIAH

... PETITIONERS / ACCUSED
No. 1 to 3

Vs

THE INSPECTOR OF POLICE
PALAYAMKOTTAI TALUK POLICE STATION,
Crime No.59/2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr. V. MAHARAJAN Advocate

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

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

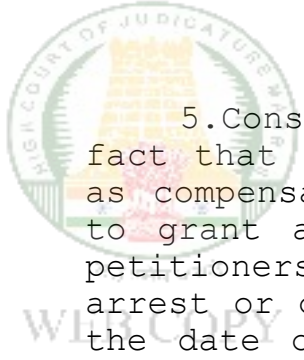
ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 506 (ii), 427 of IPC and 3 of TNPPDL Act, in Cr.No.59 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused damaged the compound wall of the defacto complainant, worth about Rs. 80,000/-. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However without prejudice to his rights and contentions the petitioners are willing to deposit Rs.50000/- to the credit in Crime number and thereafter the same shall be disbursed to the defacto complainant

4.The learned Government Advocate(Crl.Side) appearing for respondent would submit that the petitioner along with other accused damaged the compound wall of the defacto complainant, worth about Rs. 80,000/-



5. Considering the facts and circumstances and considering the fact that the petitioners have come forward to deposit some amount as compensation to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.III, Tirunelveli 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 Rs.50000/- to the credit in Crime No. 59 of 2019 before the learned Judicial Magistrate No.III, Tirunelveli and on such deposit the learned Magistrate shall disburse the same to the defacto complainant.

(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 daily at 10.30a.m until further orders

(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/-
21/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO III,
TIRUNELVELI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE
PALAYAMKOTTAI TALUK POLICE STATION.

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

+1. CC to Mr. V. MAHARAJAN Advocate SR.No.5251

ORDER

IN

CRL OP (MD) No.3968 of 2019

Date : 21/03/2019

TK/VR/SAR-2/25.03.2019/3P/6C