



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

Thursday, the Twenty Eighth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4700 of 2019

VINTE @ SAMYDURAI

... PETITIONER / ACCUSED NO.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.31/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.SARAVANAN 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 on 02.02.2019, for the alleged offence punishable under Sections 147,447,294(b), 506(i) of IPC and Section 3 of TNPPDL Act in Crime No. 31 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other caused damaged to fences around the defacto complainant's property worth Rs.10,000/-. Hence the complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he is innocent and he would also submit that without prejudice to his rights and contentions he is ready and willing to deposit Rs.10,000/- to the credit in crime number. Hence he would pray for bail.

4.The learned Government Advocate(Crl.Side) appearing for respondent would submit that investigation is almost over. He would also submit that there are four previous cases are pending against the petitioner, out of which three cases are over and only one case is pending.



5. Considering the nature of the case and considering the period of incarceration and also considering the fact that the petitioner have come forward to deposit Rs.10,000/- in the crime number, I am inclined to grant bail to the petitioner. 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, Tenkasi, Tirunelveli District and on further condition that:

(a) the petitioner shall deposit a sum of Rs.10,000/- to the credit in Crime Number 31 of 2019, on the file of the learned Judicial Magistrate No., Tenkasi, Tirunelveli without prejudice to his rights and contentions.

(b) 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 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/-

28/03/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
KADAIANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.N.SARAVANAN, Advocate (SR-5679[I] dated 28/03/2019)

ORDER

IN

CRL OP(MD) No.4700 of 2019

Date :28/03/2019

JM/VR/SAR 4/28.03.2019/3P/7C